



MERRIMACK COLLEGE

Faculty Handbook

December 2021 Edition

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EQUAL EMPLOYMENT OPPORTUNITY NOTICE OF NON-DISCRIMINATION

Merrimack College is firmly committed to the principle and practice of Equal Employment Opportunity in its community. Every employee and student is entitled to work and/or study in an environment free of discrimination, where employment and study is based upon personal capabilities and qualifications. The College prohibits discrimination of any kind.

Discrimination constitutes a serious infraction of College policy, as well as a violation of state and federal law. Any member of the Merrimack College community who discriminates against, excludes, degrades, or otherwise devalues another on the basis of race, color, national origin, religion, ancestry, sex, age, mental or physical disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation, gender, gender identity (or gender expression) or any other lawfully protected characteristic, will be disciplined accordingly, up to and including dismissal.

It is the policy of Merrimack College to administer all personnel decisions without regard to race, color, national origin, ancestry, religion, sex, age, mental or physical disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation, gender, gender identity (or gender expression) or any other lawfully protected category.

The Office of Human Resources has overall responsibility for this policy and maintains reporting and monitoring procedures involving employees of the College.

For students, the Office of the Dean of Students has responsibility and maintains reporting and monitoring procedures. Any questions or concerns should be referred to those offices.

Introduction

The Faculty holds a special and professional status with responsibilities delegated by the Board of Trustees. Because of the Faculty's special and professional status, this *Faculty Handbook* not only reflects the governing principles approved by the Board but also specifies the policies and procedures relating to faculty rights and responsibilities that are part of the shared governance process of Merrimack College.

In December 2008, the Board of Trustees of Merrimack College directed the Faculty to align the *Faculty Handbook* with the governing principles that were newly approved by the Board. In the following pages, the Faculty of Merrimack College articulate and affirm the policies and procedures relating to faculty rights and responsibilities that are aligned with the governing principles approved by the Board of Trustees in December 2008.

I.1 Nature of the Revised Faculty Handbook

The *Faculty Handbook* is a collection of policies, procedures, and past practices relating to faculty rights and responsibilities, with particular attention to the faculty role in governance processes at Merrimack College. Motions passed by the Faculty Senate and accepted by the President of Merrimack College will take effect as provided in the Constitution of the Faculty Senate, regardless of when they are incorporated into the *Faculty Handbook*.

This *Faculty Handbook* provides a revised and updated version superseding the previous *Faculty Handbook*. The appendices of the Handbook are informational, representing guidelines or logistical details, and do not require the procedures for updating as described below.

I.2 Procedures for Maintaining the Faculty Handbook

The *Faculty Handbook* shall be disseminated electronically by being made available online to all faculty. An annual edition will be posted online by August 15.

The Executive Committee shall be responsible for maintaining the *Faculty Handbook* by

1. Updating the *Faculty Handbook* each year by July 1. Preparing a record of the additions and changes, including the dates and an explanation of the nature of each addition or change.
2. Providing an electronic copy of these materials each year to the Provost/VPAA by July 1 for concurrence concerning the accuracy and appropriateness of the proposed changes. Should the need arise, the Executive Committee will meet with the Provost/VPAA to resolve any differences.

3. Disseminating the *Handbook* and the record of changes, following their concurrence by the Provost/VPAA by making these available on the Faculty Senate Blackboard site by August 15. All faculty will be notified by email that the record of changes and the updated version of the *Handbook* are available on the Faculty Senate Blackboard site. In the event that a member of the College community wishes to challenge the appropriateness of any material included in a yearly updating, that challenge may be brought before the Senate under the same rules which govern placing any other business on the agenda for discussion and possible action.
4. Maintaining a current electronic copy of the *Faculty Handbook* on the Faculty Senate page on Blackboard and also an archive of *Handbook* materials, consisting of past editions of the *Handbook*, yearly updating materials, and any other materials necessary to permit a tracing of the evolution of the *Handbook* and its content.

Comments concerning the accuracy and scope of the content of the *Faculty Handbook*, as well as suggestions for improvement of its functionality as a reference and resource should be directed to the Faculty Senate Executive Committee.

I.3 Procedures for Updating the Faculty Handbook

Proposals to alter policies, procedures, or practices contained in the *Faculty Handbook* (even when expressed with reference to the *Handbook*) should be understood to be proposals to alter those specific policies, procedures, or practices directly. When such proposals in the form of motions are passed and accepted by the Faculty Senate and President, they are later incorporated into the *Handbook* at its next regular updating. If the Administration rejects the Faculty's motion or seeks a change in the language of the motion, the procedures stipulated in this Handbook on the resolution of rejected motions will be followed. The President returns the motion to the Senate Executive Committee with a rationale for the rejection of the motion in writing.

In contrast, proposals to revise the *Handbook* itself rather than specific content would properly address the *Handbook's* functionality as a resource for readily obtaining accurate information about policies, procedures, and practices in effect at the College. Technical revisions of this Handbook, including but not limited to matters of grammar, administrative additions, deletions and substitutions may be made on the recommendation of the Senate Executive Committee.

I.4 Reporting Violations of the Faculty Handbook

If a claim is made that the procedures and policies of the *Faculty Handbook* have not been followed, the Faculty Senate Executive Committee will be notified and will begin an investigation of the claim using the Senate committee structure. If the Senate Executive Committee fails to follow the procedures and policies described in this Handbook, the members of the Faculty Senate and the President of the College will be notified by the reporting party. A report of the investigation should include the details of the claim of violation referring to the section of the Handbook that is not being or has not been followed, as well as other relevant information regarding the claim. The Senate Executive Committee will inform the President of the claim and once the Senate Executive Committee receives all relevant information regarding the matter, will then work with the President towards a final resolution.

Chapter 1: History, Mission and Vision

1.1 Merrimack College's Beginning

Merrimack College was founded in 1947 by the Friars of the Order of Saint Augustine at the behest of Archbishop Richard Cushing of Boston and the local business and community leaders who were looking for a private school to serve the higher education needs of the growing Merrimack Valley population, especially GI's returning from World War II. Since this beginning, as the College has changed and developed, the Catholic and Augustinian nature of the institution abides in keeping with the long and respected teaching tradition of the Order of St. Augustine. Merrimack College strives to provide in the twenty-first century the type of educational environment where students develop and mature intellectually and, through this rigorous intellectual development, spiritually and morally as well. The student's educational pursuit has its foundation in the liberal arts with programs in Science, Engineering, Business, Education, and Health Professions. The educational program focuses on the complexities of the human condition, which are examined on the basis of reason, evidence and ethical considerations. Merrimack College sees its obligation to teach and prepare each student to be responsible and contributing citizens of the local, state, national and global community. Ultimately, each student is expected to leave Merrimack College as a more informed, engaged and contributing member of civil society.

1.1.1 The Catholic Intellectual Tradition

Merrimack College is part of the long and rich intellectual tradition of Roman Catholicism, which nurtured the early medieval universities and encouraged thorough study, observation and reflection in all the academic disciplines.

The theological, historical and essential features of the Catholic intellectual spirit demand the practice of excellence in higher education, respect for the conscience of each person, and openness to the quest for truth through every academic discipline.

1.1.2 The Augustinians and the Heritage of St. Augustine

As visible evidence of the College's religious sponsorship, the Augustinians continue to serve the College on the Board of Trustees and in a variety of teaching and administrative positions as well as through Campus Ministry. The life and writings of St. Augustine represent a particularly compelling legacy of the Christian intellectual quest. Augustine's passionate search for the truth through the integration of faith and reason continues to be a viable model for women and men in a Catholic college. His intellectual work was always part of life spent in the compassionate service of the people in his North African diocese amidst the political and economic ferment of the late Roman Empire. His thoughtful activism provides a model for the contemporary Catholic college, which seeks to relate faith in God, reason, and reflective study with the pressing questions of our own day. Thus, before all else, the College is a community of

scholarship and service whose members support and challenge each other in a wholehearted pursuit of knowledge, holding one another to the highest intellectual and ethical standards.

1.1.3 Augustinian Values at Merrimack College

In 2002, Merrimack College articulated the following values as the way in which it seeks to embody the Augustinian tradition and heritage:

- Before all else our College is a community of scholarship and service whose members support and challenge each other in a whole-hearted pursuit of knowledge, holding one another to the highest intellectual and ethical standards.
- Knowledge grows into wisdom when we recognize the limits of reason and of our individual perspectives, attend to the common good, and fashion the changes inspired by learning.
- The pursuit of excellence in teaching and learning requires diligent study, freedom of thought, dedication to dialogue, and collegial respect for each person's experience.
- The contemplation and reflection encouraged by the intellectual life inspire an ethical sensibility as well as a prophetic critique of social structures in light of justice and peace.
- The great texts of human history, including sacred scriptures, call us to continuing dialogue as our varied religious and philosophical convictions enrich our Catholic mission.
- Our lifelong pursuit of truth and understanding can be for Christians an expression of the inner pilgrimage with Christ the Teacher, for adherents of all faiths part of the search for God, and for everyone a journey of hope amidst the ever-expanding horizons of human experience.

Let neither of us say that he has found the truth. Let us seek it in such a way as if neither of us knows it. For it is thus that we shall be able to seek it with diligence and harmony, if without any rash presumption we do not believe that we have found it and know it. - St. Augustine, The Foundation 3, 4

1.1.4 Plurality and Diversity

Inspired by the openness and excellence of the Catholic intellectual tradition and in response to its commitment to diversity, Merrimack values and respects the plurality within its community of scholars and students. This plurality expresses itself in the differing ways in which the goals of the College are approached, as well as in the diversity of perspectives, of persons, and of cultural and ideological backgrounds that comprise the College community. The respect that we afford this plurality is exemplified by the College's firm and ongoing cultivation and protection of academic freedom, and by its effort to promote diversity in admissions and curricula, hiring and promotion.

In the midst of such plurality, all members of the College community - Faculty, Administration, Students, and Trustees - shall strive both to realize Merrimack's College's mission to enlighten

minds, engage hearts, and empower lives and to maintain the unique character of the College. Toward this important end, all members of the College community are expected to exercise their proper role in decisions about the conduct and future of the College in a manner that respects and maintains the principle of collegiality.

1.1.5 Centrality of Learning

Because Merrimack College is an educational institution, faculty members and students occupy a central place regarding the College's mission. Without students, the College's mission is an unfulfilled promise and without qualified and dedicated faculty, the mission of the College is an empty promise. Realization of the College's mission, therefore, requires a learning environment that cultivates and affirms the essential, symbiotic intellectual relationship of teacher and learner. Recognizing the centrality of this mentoring relationship between faculty and student, Merrimack College's common goal is the pursuit of knowledge. All participants within the college structure recognize this fundamental goal. The Board of Trustees, the Administration, Faculty, and Students are so interdependent in the pursuit of this goal that each party has no meaning outside the context of the whole academic community.

The Board of Trustees holds a trust to ensure that the educational objectives of Merrimack College are achieved. Its major responsibility is the maintenance of an academic community with one purpose – to provide an environment for learning inside and outside the classroom. The center of this environment is the student. The College's educational program in the Liberal Arts and the professions should challenge and engage the student in an intellectual dialogue and in the pursuit of truth. This pursuit is grounded for all students in the Liberal Arts, where the conditions of humanity are illuminated in an empirical, moral, ethical, and spiritual context. With this understanding, the College seeks to serve its students by encouraging a growth of knowledge, scholarship, and service, through programs that emphasize the study of social, cultural, and religious issues. This is achieved by providing opportunities outside the classroom for their development as campus and community citizens and accomplished athletes. At the same time, the College is committed to meeting the professional educational needs of its students and society. It accomplishes this by graduating students with particular skills and knowledge in their fields linked with a strong foundation in the Liberal Arts. Finally, Merrimack College includes in its educational objectives the need to meet the higher educational needs of the region and beyond. Upon reaching graduation, the College expects its students to have developed as responsible citizens prepared to contribute to their profession, to their community, and to their associates.

1.1.6 Accreditation

Merrimack College was granted its charter by the Commonwealth of Massachusetts in 1947 and is accredited by NECHE, the New England Commission of Higher Education. The College also holds accreditation for its Civil and Electrical Engineering programs from the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology and for its Athletic Training Program from the Commission on Accreditation of Athletic Training Education. In addition, the Chemistry program is certified by the American Chemical Society.

The Winston School of Education and Social Policy's educator preparation programs are approved by the Massachusetts Department of Elementary and Secondary Education and as such provide education students (candidates) with an approved program which is a requirement for state licensure. The Commonwealth of Massachusetts participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement which facilitates educator movement between states.

1.2 College Mission (Revised and Accepted by the Faculty Senate, President and Board of Trustees December 2008)

Merrimack College's mission is to enlighten minds, engage hearts, and empower lives.

1.3 Vision and Educational Goals

The vision and educational goals of Merrimack College are reached through a program requiring of students both a broad academic experience and mastery of a particular body of knowledge and method. Merrimack College, in its dedication to excellence in mind and heart, and inspired by the Catholic faith and the Augustinian tradition of seeking truth through inquiry and dialogue, seeks to

- Prepare students to adapt creatively to tomorrow's realities through excellence in the liberal arts, sciences and professions;
- Build a community of scholars welcoming and respecting a diversity of backgrounds, experiences, beliefs, and perspectives;
- Cultivate the intellectual, moral, spiritual, physical, and personal awareness needed to make wise choices for life, career, and service;
- Encourage and support scholarly work that contributes to the wisdom on which society bases its decisions;
- Engage other educational institutions, industry, and agencies of social change in collaborative efforts fostering a just, peaceful, and sustainable world.

Chapter 2: Merrimack College's Shared Governance

2.1 Principles and Participants

The success of Merrimack College in realizing its mission and vision depends on a clear understanding of the College's governance structure, the rights and responsibilities of the major participants in this structure (Board of Trustees, President, Faculty, and Students), and the cultivation of a culture where decision-making is transparent, reflective, evidentiary, and shared. Shared governance involves respectful engagement of the major parties in a way that seeks to build, foster, and maintain a community of cooperation and trust. Indeed, it is only through such governance that a community based on a culture of cooperation and trust is possible.¹ Critical to the practice of shared governance is the need for the Board of Trustees and Faculty to recognize that in order to fulfill the College's unique mission of creating and disseminating knowledge, a full commitment by the Board of Trustees to academic freedom, peer review, and professionalism is essential.

The Board of Trustees as final governing authority recognizes Merrimack College as a community and understands that community cannot be realized until all members – including Students, Faculty, Staff, Administrators, Alumni, and Trustees – receive mutual respect and commitment to the protection of the rights of others. In this framework each member of the community has the opportunity to contribute to decisions that affect the community. The Board recognizes the essential role of collegiality, in other words, that the competencies and views of the Faculty, Administration, Staff, Alumni, and Students are critical in assisting the President to reach informed decisions on issues.

2.2 Shared Governance at Merrimack College

While shared governance characterizes the nature of internal dynamics of decision-making at Merrimack College, it is developed within the traditional legal framework that grants the Board of Trustees ultimate authority over Merrimack College as a nonprofit corporation. Traditionally and for practical reasons, the Board of Trustees delegate's responsibility and authority to various agents to carry out the Board's responsibilities, in particular, authority to the President as its Chief Executive Officer for the conduct of Administration of the College and responsibility to the Faculty for the conduct of teaching and research. There is the implicit and sometimes explicit condition that the Board reserves the right to question, challenge, and occasionally override decisions or proposals made by the Faculty or the President which the Board judges to be inconsistent with the mission, integrity, or financial position of the College.

¹ The ideas on shared governance expressed in this document were influenced by the 2006 Association of Governing Boards White Paper, "The Future of Shared Governance by Neil W. Hamilton, Professor of Law at the University of St. Thomas in Minnesota. Available at SSRN: <http://ssrn.com/abstract=875473>

Though shared governance recognizes the ultimate authority of the Board of Trustees, the Board of Trustees recognizes that for the College's mission and vision to be fully realized, it is necessary to delegate to the Faculty an integral role in decisions that relate to the Faculty's professional status and expert knowledge in their respective disciplinary fields. Specifically, in its amended document, Principles of College Governance dated September 24, 2008 (Section C), the Board of Trustees identifies as the primary responsibility and delegated authority of the Faculty such areas as curriculum, subject matter and methods of instruction, research, and those aspects of student life that relate to the educational process. Faculty status and related matters which include appointment, reappointments, decisions not to reappoint, promotions, and the recommendation to grant tenure or dismissal, are primarily a faculty responsibility subject to the final approval by the President.

The same degrees of deference extended to the Faculty need to be given in turn by the Faculty to both Administration and the Board as a necessary condition for shared governance to successfully operate in the spirit of cooperation and trust. Shared governance requires the cooperation and, at times, the forbearance of the President and the Faculty to ensure that the College achieves its mission and vision. Ultimately, shared governance succeeds when the various major parties respect one another, fulfill their mutually agreed upon obligations and responsibilities, and work together in a spirit of cooperation, good faith, and trust to form an organic community that provides both an enriching and rewarding work and learning environment. The creation of these conditions gives concrete form to our educational vocation to enlighten minds, engage hearts, and empower lives.

2.3 Parties to Shared Governance

2.3.1 The Board of Trustees

Within the traditional legal framework, the citizens of the Commonwealth of Massachusetts have entrusted the Board of Trustees with the responsibility for the successful operation of Merrimack College as defined in the College's By-Laws and its Mission and Vision Statements. The primary fiduciary responsibility of the Board of Trustees as the ultimate legal authority at the College is to ensure the financial and academic integrity of Merrimack College. It achieves these ends through delegation of authority to its administrative agent, the President, and through participation of the Faculty in those areas of responsibility delegated by the Board, which include such areas as curriculum, subject matter and methods of instruction, research, faculty status, sabbatical leaves, admission standards, and those aspects of student life which relate to the educational process. The Board initiates and adopts, in accordance with academic practices, policies that relate to shared governance. It oversees and maintains the effective operation of consensual arrangements and the proper involvement of all relevant constituencies in governance. Its agent is the President, who reports to the Board on the College's operations and planning for the future. The Board delegates to the Faculty the vital tasks of teaching, curriculum development, and the regulation of the academic programs of the College, and, to the President the coordination and monitoring of all activities of the College. It delegates the conduct of administration to the President, and the conduct of teaching and research to the Faculty. The selection and evaluation of the President are two of the Board's most important responsibilities. It defines the roles of the President, the Administration and the Faculty in

accordance with sound academic principles and within the context of American higher education.

As specified in the Charter and By-Laws of Merrimack College, the Board of Trustees consist of not less than twenty (20) but not more than thirty-five (35) members and the President of the College. Augustinian Friars in good standing of the Order of St. Augustine constitute no fewer than one (1) for every five (5) lay trustees. The Board recognizes the sponsorship role of the Order of Saint Augustine in a manner in keeping with its educational objectives and in recognition of the special contribution of the Order to Merrimack College.

The Board of Trustees normally meets at least four times a year, and has several standing committees.

The Board is an advocate of constructive change within the institution, and a protector of academic freedom. While the Board should undertake appropriate self-limitation, it reserves the right to be the final arbiter of decisions – conditioned, however, by extraordinary circumstances.

The Board's responsibilities include setting the strategic direction of the College, approval of academic policy, careful oversight of the College's fiscal affairs, maintenance of the College's campus and facilities, and stewardship of the College's resources. Financially, the Board of Trustees supervises and controls the College's property, manages its investments, determines tuition, room and board costs as well as student financial aid, authorizes the budget and expenditures of funds. The Board defines institutional goals and provides effective academic and administrative leadership. It ensures the maintenance and husbanding of the College's resources, both human and material.

2.3.2 President

In its By-Laws, the Board of Trustees has appointed the President the Chief Executive, Academic, and Financial Officer of the College. The President delegates the authority for these functions to appointed principal administrators of the College, who are members of the President's Cabinet. Personnel staffing and efficiency of operations are the President's responsibilities. Also, the President is responsible for defining the roles of, supervising, and providing leadership for these College officers who constitute his/her administrative team. These officers of the College are authorized through the President to take the actions necessary for the daily management of the College as well as preparing contracts and agreements that relate to the operation of the College subject to the By-Laws of the institution and the laws of the Commonwealth of Massachusetts. In addition to these principal administrators of the College, the Assistant to the President, and certain Special Assistants to the President are also positions that report directly to the President.

As the Board's agent, the President is responsible to the Board for the organization and conduct of the College's operations and sees to it that the standards and procedures in operational use within the College conform to the policy established by the Board. The President reviews budgets and allocation of funds and budgetary controls to ensure the financial stability of the College. The President, in collaboration with his/her Cabinet, sets goals for administrative action and for maintaining the lines of communication that link the components of the College. The President is an educational leader, a business manager, an innovator, a mediator, and someone who will foster good public relations as well as encourage and devote significant time to fund-raising activities.

As Chief Academic Officer, the President should have a vision for the College's academic future. The President ensures that faculty views, including dissenting views, are presented to the Board in those areas and on those issues related to academic affairs and the educational objectives of the College. Likewise, she/he informs the Faculty of the views of the Board and the administration on such issues. The President reviews and acts upon faculty recommendations for the appointment, promotion, and the granting of tenure to faculty members. The President administers the academic program and all other aspects of the College. In ratifying this *Faculty Handbook*, the Board of Trustees reaffirms the Senate Constitution (see Chapter 7) and delegates to the Faculty Senate primary responsibility for curriculum, subject matter and methods of instruction, research, faculty status, sabbatical leaves, admission standards, and those aspects of student life which relate to the educational process, and to the President the responsibility to see that the College's academic programs are properly organized and managed. She/he ensures that all programs and operations at the College further the mission and objectives of the College. The President and the Board should communicate the State of the College to the Merrimack College community on a regular basis. The President envisions, innovates, and initiates new horizons for the College, and persuades others to see them and to work toward them.

The President reviews and acts upon the recommendations of the Faculty Senate and its committees, and his/her review ensures procedural integrity, consistency with sound academic principles, the institution's mission, financial conditions, and other institution-wide concerns. The President recognizes that the Faculty has primary responsibility for such areas as

curriculum, subject matter and methods of instruction, research, faculty status, sabbatical leaves, admission standards, and those aspects of student life that relate to the educational process. On those rare occasions when the President fails to concur with faculty recommendations, she/he shall inform the appropriate faculty body and supply reasons. Both parties then work together in search of an acceptable resolution, and either may consult the external academic community for assistance in finding a solution. If a resolution is not found in a timely manner, the President will make the final decision.

The President represents the College to the public and interacts with the public and its various agencies. The President interacts with students individually and with various student groups. The President cultivates relationships with alumni, student/parent groups, and all members of the Merrimack College community.

2.3.3 Faculty

Because the central focus of an academic venture lies in its teaching and scholarship, the Faculty constitutes a major and special constituent of the Merrimack College community. The excellence of an institution of higher learning is measured by the competence and dedication of its Faculty. Recognizing the centrality of the Faculty to the mission of the College, the Board of Trustees extends to the Faculty special rights and responsibilities through its Faculty Senate for such areas as curriculum, subject matter and methods of instruction, research, faculty status, sabbatical leaves, admission standards, and those aspects of student life which relate to the educational process.

In ratifying this *Faculty Handbook*, the Board of Trustees reaffirms the Faculty Senate Constitution (see Chapter 7) which vests primary responsibility in the Faculty for such areas as curriculum, subject matter and methods of instruction, research, faculty status, sabbatical leaves, admission standards, and those aspects of student life which relate to the educational process.

The granting of tenure constitutes another special relationship between the Faculty and the College and represents a unique and distinctive contract given to faculty members as a safeguard of academic freedom. Scholars in a particular field or activity have the chief competence for judging the work of their colleagues in determining who merits tenure and/or promotion. Implicit in professional peer evaluation is the responsibility for both adverse and favorable judgments. In addition to the special competence of faculty in regards to their disciplines and areas of specialization, experienced faculty members also possess a general competence to serve on committees judging and deciding faculty employment matters such as appointment, reappointment, rank, tenure and dismissal as well as faculty rights and responsibilities. Determinations in matters within the faculty's purview should be made first by faculty action through established procedures, and then reviewed by the President for final action. Faculty status includes the responsibility to make informed, considered recommendations to the President concerning the qualifications of individuals and standards for appointment, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.

The Faculty assures its continuation as an effective teaching force through its hiring and promotion recommendations. It requires the constant renewal and updating of the scholarship of its members. Above all, at Merrimack the Faculty dedicates itself to student learning. While the Faculty does not supervise the minutiae of classroom teaching, it has the responsibility of assuring itself of the overall effectiveness of teaching at Merrimack.

The review and recommendation to grant sabbaticals is another special faculty privilege delegated by the Board of Trustees as a way to promote excellence in teaching and research. In regard to other rights and responsibilities of the Faculty, the Faculty as a body has a special responsibility to contribute its competence to local communities in the solution of their problems. Also, faculty members have a right and duty to serve on faculty committees, in faculty administrative positions such as Department Chair and Dean of a School as well as Board and presidentially appointed committees. The recommendation of faculty members for membership on Board and presidentially appointed committees whose charge includes a position of the Faculty *qua* Faculty is made by the Faculty Senate, and the appointment of faculty members to committees whose charge does not include a position of the Faculty *qua* Faculty is made directly by the President. As a self-governing body, the Faculty is responsible for the conduct and professionalism of its members and for the efficient operation of the Faculty Senate. Together with the Board and the President, the Faculty is the protector of academic freedom both within the Faculty and in relation to others.

2.3.4 Students and Alumni

Students have a central place in the Merrimack College community. The education and growth of students are the basic reasons for the College's existence. A positive and structured environment for learning must be in place and operating for their intellectual advancement and personal growth. Students, like the Faculty, are entitled to academic freedom in the classroom, and they must have a voice to speak on institutional policies and operations. They must have an opportunity for governing their own affairs as well as access to the other components of the governance structure.

Alumni represent the fulfillment of the mission of the College. The ongoing success of the College's academic program and other areas is crucial to the currency of their degree. Alumni are expected to support the College in a myriad of ways – financial support, mentoring, internships, recruitment, employment, spiritual mission, and serving on committees.

Chapter 3: Administrative and Academic Structure

3.1 The Schools

Academic life at Merrimack College is organized into five distinct schools - the School of Liberal Arts, the Winston School of Education and Social Policy, the School of Science and Engineering, the Francis E. Girard School of Business and International Commerce and the School of Health Sciences. Academic departments and programs with their major and minor

courses of study, interdisciplinary programs, and special programs of instruction are grouped in these five schools that together define opportunities for academic study at Merrimack College. The Faculty of each School is responsible for the establishment and governance of its own curriculum subject to review of the impact on the College's educational policy by the Undergraduate Curriculum Committee and/or Graduate Curriculum Committee. Each school is therefore responsible for providing oversight in its areas of expertise of the curriculum and academic programs. Majors, minors, interdisciplinary programs and special programs within each School are the province of the departments, programs and faculty of that School. The departments and faculty in collaboration with the Dean of their school have the responsibility to establish new courses and programs, to review existing curriculum and recommend appropriate additions and deletions, to undertake regular and systematic review of departments and programs to ensure overall academic integrity, quality, and the standards required for continued accreditation and to inform the Vice President of Academic Affairs who will then notify the Dean and Department if there are issues or concerns.

The dean of the school and the Provost/VPAA recommend to the President the appointment of new faculty members (full and part-time), department chairpersons, directors of academic programs, and related officers. The Deans, Department Chairs, and the faculty of each school are expected to ensure that the continuing appointment or non-reappointment of faculty members is conducted within a framework of established procedures.

3.1.1 The School of Liberal Arts

The School of Liberal Arts offers programs in the humanities and the social sciences leading to the Bachelor of Arts degree. Students may choose from a wide variety of major and minor programs available through the departments of Communication and Media, Economics, English, Visual and Performing Arts, History, World Languages and Cultures, Philosophy, Political Science and Public Policy, Psychology, Sociology, and Religious and Theological Studies. An interdisciplinary Liberal Arts major, Mathematics-Economics² major, Social Justice³ major, International Studies major, and Women's and Gender Studies major are also available. A program in Environmental Sciences and Sustainability⁴ – offering B.A., B.S., and minor options – is jointly administered with the School of Science and Engineering. Minor programs offered through the School of Liberal Arts are open to students in other schools. Students pursuing majors in other schools may also elect a second major in the School of Liberal Arts.

The School of Liberal Arts also offers the Masters of Clinical Mental Health Counseling⁵ and Public Affairs⁶, and Masters degrees and certificates in Spirituality and Spiritual Direction.

² Motion 13-14-10: Passed on February 25, 2014

³ Motion 13-14-02: Passed on October 22, 2013

⁴ Motion 17-18-18: Passed on May 15, 2018.

⁵ Motion 15-16-01: Passed on November 17, 2015.

⁶ Motion 13-14-23: Passed on May 15, 2014.

3.1.2 The Francis E. Girard School of Business and International Commerce

The Girard School of Business and International Commerce offers the Bachelor of Science Degree in Business Administration with concentrations in Accounting, Corporate Finance and Investments, Financial Planning, Marketing, Management, Global Management, Human Resource Management, and Sport Management. Students may elect to follow either a standard four-year curriculum leading to a degree or they may choose a four and one-half to five-year cooperative education program. The Girard School of Business and International Commerce also offers the Master of Science in Management, Accounting⁷, and Business Analytics degrees.

3.1.3 The School of Science and Engineering

The School of Science and Engineering offers undergraduate programs in Biology, Chemistry and Biochemistry, Civil Engineering, Data Science⁸, Electrical Engineering, Mechanical Engineering, Computer Science, Mathematics, and Physics. Students majoring in Mathematics earn the Bachelor of Arts degree. Students majoring in Physics, Biology, or Biochemistry can earn either a Bachelor of Arts or Bachelor of Science degree.⁹ Students majoring in Chemistry, Computer Science, Information Technology, Civil Engineering, Electrical Engineering, Computer Engineering, or Data Science earn the Bachelor of Science degree. A program in Environmental Science and Sustainability – offering B.A., B.S., and minor options – is jointly administered with the School of Liberal Arts. Students from across the College may minor in Biology, Chemistry, Computer Science, Computer Engineering, Data Science, Electrical Engineering, Mathematics, or Physics. Bachelor's degrees completed in Computer Science, Civil Engineering, and Electrical Engineering may be earned either through a standard four-year undergraduate curriculum or through a five-year cooperative education program.

The School of Science and Engineering also offers the Master of Science in Engineering, Engineering Management, Computer Science¹⁰, and Data Science¹¹ degree.

3.1.4 The Winston School of Education and Social Policy

The Winston School of Education and Social Policy (WSESP) houses the departments of Education, Higher Education, Criminology and Criminal Justice, and Applied Human Development and Community Studies.

The Education Department offers undergraduate degrees leading to initial licensure in Massachusetts in Science, Technology, Engineering & Mathematics Education (Pre-K and Elementary Education), Early Childhood Education, Elementary Education, Moderate

⁷ Motion 13-14-15: Passed on April 8, 2014. (Online modality: Motion 18-19-01, passed 10/16/2018)

⁸ Motion 18-19-05: Passed on March 26, 2019.

⁹ Motion 15-16-08: Passed on February 23, 2016.

¹⁰ Motion 12-13-22: Passed on May 16, 2013.

¹¹ Motion 16-17-05: Passed on October 18, 2016.

Disabilities Education, Middle School Education, and High School Education. At the graduate level, the Department offers on campus and online M.Ed. programs in Early Childhood Education, Elementary Education, Moderate Disabilities Education, English as a Second Language, and Middle/High School Education, all leading to initial licensure in Massachusetts, as well as an M.Ed. in Curriculum and Instruction. The Education Department also offers a CAGS program in Educational Leadership (Principal/Asst. Principal).

The Department of Higher Education offers an M.Ed. program in Higher Education, with concentrations in Student Affairs or Leadership and Organizational Development.

The Department of Applied Human Development and Community Studies offers an undergraduate degree in Human Development & Human Services. At the graduate level the Department offers an M.Ed. in Community Engagement, an M.S.W. in Social Work, and an M.Ed. in School Counseling, as well as a post-M.Ed. Program in School Adjustment Counseling.

The Department of Criminology and Criminal Justice offers an undergraduate degree in Criminology and Criminal Justice. At the graduate level, the Department offers an M.S. in Criminology and Criminal Justice, with the option of concurrently completing a police academy certification.

3.1.5 The School of Health Sciences

The School of Health Sciences offers undergraduate programs in Health Sciences. Students majoring in Nursing¹², Health Sciences, Exercise Medicine, Nutritional Sciences, Rehabilitation Science or Public Health earn the Bachelor of Science degree.

The School of Health Sciences also offers the Master of Science in Health and Wellness Management, Athletic Training, Community Health Education, Exercise Science, and Healthcare Analytics (online).¹³

3.2 Senior Academic Leadership of the College

The structure of the senior academic leadership at Merrimack College consists of levels of professional responsibility and administrative authority ranging from the President of the College who is the primary agent of the Board of Trustees and serves as the Chief Executive, Academic and Financial Officer of the College, to the Provost/Vice President for Academic Affairs and the Vice Provosts, to the Deans and Associate Deans of the Schools, to the Chairpersons of each department. Other administrative positions related to the academic mission of the College include the Director of the Library, Dean of Students, the Registrar and Directors of Academic Support Services. At each level of administrative authority, those occupying the various leadership positions are required to conscientiously fulfill the leadership

¹² Motion 17-18-18: Passed on May 15, 2018.

¹³ Motion 18-19-11: Passed on May 14, 2019.

responsibilities demanded by the positions and to do so in a collegial fashion. While the administrative structure represents the means by which the President of the College realizes the mission of the College approved by the Board of Trustees, and therefore those in senior leadership positions are accountable and responsible to the President in achieving the College's mission, those in senior leadership positions (Provost and Vice President for Academic Affairs, Vice Provosts, Deans and Associate Deans, and Chairpersons) also hold faculty rank, who as professionals are required and encouraged to work with the Faculty in a collegial fashion to achieve the mission of the College.

The descriptions of the senior leadership positions are provided below. The procedures for the appointment and search of individuals to fill these positions are specified in the next section.

3.2.1 Board of Trustees

A self-perpetuating Board of Trustees, consisting of not less than twenty (20) nor more than thirty-five (35) members and the President of the College, which meets four times each year, governs Merrimack College. The number of Trustees who are Augustinian friars in good standing of the order of St. Augustine shall be no fewer than one (1) for every (5) lay Trustees.

The specific responsibilities of the Board of Trustees derive from their essential fiduciary responsibility to ensure the academic integrity and financial soundness and include, but are not limited to, holding all property, managing investments, authorizing the budget and budget revisions, fixing policies, electing the President and serving as a court of final appeals in all matters.

The areas of responsibilities of the Board of Trustees in policy formation include, but are not limited to such items as: authorizing all degree programs, approving the budget, the size of the student body, general admission requirements, the campus and buildings, the scope of the academic program, policies affecting the Faculty, the library, student financial aid, student health services, residence halls and development programs.

The Board delegates to the President final decision authority in faculty personnel recommendations for tenure and promotion in accordance with those academic principles and policies that the Board has approved. In this regard, the Board looks to the President and the Faculty to oversee and manage the processes of tenure and promotion and to guarantee that each proceeds from the established consensual arrangements and the proper involvement of the relevant constituencies.

The final responsibility for governing Merrimack College is vested in the Board of Trustees by the charter and By-Laws of Merrimack College except as specifically limited within the articles of incorporation, and the laws of the Commonwealth of Massachusetts.

3.2.2 The President of the College

In its By-Laws, the Board of Trustees has appointed the President the Chief Executive, Academic, and Financial Officer of the College. The President delegates the authority for these functions to appointed College officers.

Personnel staffing and efficiency of operations are the President's responsibilities. Also, the President is responsible for defining the roles of, supervising, and providing leadership for these College officers who constitute the President's administrative team. These officers of the College are authorized through the President to take the actions necessary for the daily management of the College as well as entering into contracts and agreements that relate to the operation of the College subject to the By-Laws of the institution and the laws of the Commonwealth of Massachusetts. In addition to these officers of the College, various Assistants to President are also administrative positions that report directly to the President.

As the Board's agent, the President is responsible to the Board for the conduct of the College's operations and sees to it that the standards and procedures in operational use within the College conform to the policy established by the Board. The President reviews budgets and allocation of funds and budgetary controls to ensure the financial stability of the College. However, the President shares responsibility for setting goals, for administrative action, and for maintaining the lines of communication that link the components of the College. The President is an educational leader, a business manager, an innovator, a mediator, and someone who will foster good public relations as well as encourage and devote significant time to fund-raising activities.

As Chief Academic Officer, the President should have a vision for the College's future and ensures that faculty views, including dissenting views, are presented to the Board in those areas and on those issues where responsibilities are shared. Likewise, the President informs the Faculty of the views of the Board and the administration on such issues. The President reviews and acts upon faculty recommendations for the appointment, promotion, and the granting of tenure to faculty members. The President administers the academic program and all other aspects of the College. While the Board of Trustees has approved the Senate Constitution which vests in the Senate primary responsibilities for academic matters, the President has a responsibility to see that the College's academic programs are developed and implemented. The President ensures that all programs and operations at the College further the mission and objectives of the College.

The President reviews and acts upon the recommendations of the Faculty Senate and its committees, and the President's review ensures procedural integrity, consistency with sound academic principles, the institution's mission, financial conditions, and other institution-wide concerns. The President will recognize that the Faculty has primary responsibility for specific academic matters. On those occasions when the President fails to concur with Faculty recommendations, the President shall inform the Faculty Senate and supply reasons. Both parties then work together in search of an acceptable resolution, and either may consult the external academic community for assistance in finding a solution. If a resolution is not found in a timely manner, the President will make the final decision.

The President represents the College to the public and interacts with the public and its various agencies. The President interacts with students individually and with various student groups. The President cultivates relationships with alumni, student/parent groups, and all members of the Merrimack College community.

3.2.3 Provost and Vice President for Academic Affairs

The Provost and Vice President for Academic Affairs (VPAA) acts in place of the President when delegated by the President or when delegated by the Board of Trustees. The Provost/VPAA is responsible to the President for planning, implementing, and managing the College's academic policies as well as for oversight of the College's academic expense budget. As chief academic administrator, the Provost/VPAA provides oversight for all personnel issues related to the educational programs of the College. The Provost/VPAA works with the Faculty Senate Executive Committee representing the administration's position on issues and items being considered by the Faculty Senate.

The Provost/VPAA is responsible for advising the President on all major matters of resource allocation within the academic areas of the College including hiring of new and replacement positions within the Faculty, decisions regarding sabbaticals, tenure, and promotion, construction and other capital projects, and space allocation. The Provost/VPAA is the academic strategic planning leader of the College, is a member of the President's Cabinet, and serves as administrative liaison to the Academic Affairs Committee of the Board of Trustees.

Responsible to the Provost/VPAA are the Vice Provosts, the Deans of the School of Liberal Arts, the Girard School of Business and International Commerce, the School of Science and Engineering, the Winston School of Education and Social Policy, the Director of the Library, the Director of the Honors Program, the Director of the Center for Excellence in Teaching and Learning, and the Director of the Center for Academic Enrichment.

3.2.4 Vice Provost

Vice Provosts are appointed by the Provost/VPAA and are responsible for working with the Faculty and Deans on college-wide curricular issues, especially on the development and continuing management and assessment of the General Education Curriculum. As members of the Deans' Council, Vice Provosts also serve on the Academic Board and works with other constituencies of the College community on issues of academic policy, procedures, and advisement. The Vice Provosts also work with the Deans, Department Chairpersons, and Faculty on the development of new academic programs. Vice Provosts also work with the Office of Enrollment Management and the Registrar on issues.

3.2.5 Dean of the School

The Dean is appointed by the President upon the recommendation of the Provost/VPAA, after a full search and recommendation by the faculty of the school. The Dean of each School reports to the Provost/VPAA, and in that capacity, the Dean serves as the principal advocate for Faculty and the interests of the College regarding teaching and research opportunities. The Deans work with their faculty to ensure academic excellence within each school and that professional programs satisfy the necessary standards to maintain accreditation. The Dean is also involved in the process of evaluating non-tenured faculty. Finally, the Dean is expected to

provide vision and leadership in terms of curriculum. The Dean sits on the Dean's Council and shares with his or her colleagues' ideas of academic innovation and change.

The Dean forwards from the department to the Provost/VPAA the recommendation of appointment of new faculty members (full and part-time), the election of department chairpersons, the continuing appointment or non-reappointment of tenure-track faculty members within the framework of established procedures, directors of academic programs, and related officers. The Dean may also make recommendations to the Provost/VPAA concerning the continuing appointment or non-reappointment of faculty members within the framework of established procedures.

Working with the Vice Provost, the Dean is responsible for collaborating with chairs to enable and support Faculty in meeting their teaching, research, and service obligations, for overseeing faculty professional development efforts, in determining faculty development needs, organizing programs and workshops to address those needs, assisting individual faculty and departments with the formulation and implementation of development plans, maintaining a library collection on professional development in higher education, and promoting faculty-student research and intellectual exchange.

The Dean, in consultation with department chairs and the Faculty, is responsible for the curriculum of their school and is charged to maintain a reasonable balance between varieties of course offerings and efficiency in fiscal operations. The Dean is responsible for developing and communicating academic policy and programs and, in cooperation with department and program chairpersons and the dean's council, for continuing evaluation of the academic program. In consultation with department chairpersons and directors of academic programs, she/he is responsible for developing and managing the budgets for these areas. Each school dean oversees the work of the Associate Dean for each school and may delegate the authorities of the dean's office as necessary. Responsible to the dean is the Associate Dean for each school and the respective department and program chairs.

3.3 Dean Review Process

The Provost/VPAA shall notify the Deans and Faculty of the school in question of his/her intention to undertake a review of the Dean by November 15 in the third year of the Dean's term. By December 15 of that same year, the Provost and Vice President for Academic Affairs shall provide the Dean with a written assessment of the Dean's performance in light of the responsibilities outlined in this Handbook and the position description. At that time, the Provost/VPAA shall also discuss with the Dean the advisability of continuing in the position for a three-year renewal. The Dean should indicate to the Provost/VPAA by January 10 her or his intention to be considered for renewal. If the Dean is not interested in renewing her or his appointment, the Provost/VPAA will initiate a search process for a new Dean.

At the completion of the Provost/VPAA's review, the Provost/VPAA will convene a Dean Review Committee to consider the Provost/VPAA's assessment and to offer its own. In the case of Deans of the Schools, the Dean Review Committee shall be composed of the chairs of the departments within the School and one other Dean. The Provost/VPAA shall chair the Dean

Review Committee. After completing its review, the Committee shall prepare a report summarizing its conclusions and making a recommendation to the President regarding the renewal of the Dean, with a copy to the Dean.

Following the principle of “mutual consent,” concurrence of the Provost and Vice President for Academic Affairs and the Dean Review Committee creates a strong presumption for the course of action they recommend, whether it be favorable or unfavorable to renewal. In the event that the Provost and Vice President for Academic Affairs and the other members of the committee are unable to reach agreement on recommending renewal, the presumption would be against renewal. If the Dean Review Committee does not concur with the Vice President’s evaluation and recommendation, the committee will address the differences with a view to seeking mutual consent to one course of action. If the President determines that there would be strong grounds for renewal despite the lack of agreement, The President will offer that proposal and its rationale in writing to the Provost and Vice President for Academic Affairs and the Dean Review Committee for their consideration. The Review Committee and the President will attempt to reach a resolution. If the President’s final decision does not concur with the recommendation of the Dean Review Committee, the President will inform the committee of these reasons in writing. Renewal or non-renewal of a Dean of a school, however, remains the prerogative of the President, whose decision is final.

The Dean being reviewed may present any materials she/he so chooses for the consideration of the Provost and Vice President for Academic Affairs, the Review Committee of Chairpersons, or the President.

3.3.1 Associate Deans of the Schools

Responsible to the Dean is an Associate Dean for each School. The Associate Dean is responsible for working with the Dean, department chairpersons, and Faculty on specific issues and/or projects as determined by agreement with the Dean and by the current needs of the school. The Associate Dean may serve as a liaison with other schools and other units of the College. The Associate Dean attends chairs’ meetings and may also be assigned such duties as keeping minutes of chairs’ meetings and representing the school in place of the Dean.

The Associate Dean is a tenured member of the teaching faculty of the school who receives release time, a stipend, or a combination of both for serving a three-year term in this twelve-month position. In the event of a vacancy, a call for nominations is issued by the Dean. Any member of the School may make nominations for the position. Applicants are reviewed by the chairs of the School and the chairs work in collaboration with the Dean to decide on the candidate that is most qualified to fill the position. The names of the candidates considered most qualified by the Dean and chairs are submitted in rank order to the Provost/VPAA who then makes a recommendation to the President. The Associate Dean is then appointed by the President.

3.3.2 Department Chairpersons

The Department Chairperson is responsible to represent the academic interests of the department and to administer and implement institutional and departmental policies and regulations that were developed in a collegial fashion. The Chairperson provides vision and leadership for the department and works with the Dean to achieve the mission of the College and a quality and soundness of the curriculum that accords with accreditation standards.

The Department Chairperson, working in collaboration with the Dean and the department faculty, is responsible for scheduling, teaching assignments (routine, overload, independent study, internships, and research), the equitable distribution of student advising loads, writing the department's position regarding requests for sabbaticals and leaves of absences, and organizing the process of hiring adjuncts and new faculty. The Chairperson oversees departmental facilities, equipment, and support staff (clerical, technical, paraprofessional, and student employees). The Chairperson works with department members to set budget priorities, develops and administers the budget, supervises library acquisitions, and approves work orders, and general requisitions. The Chairperson keeps the department members informed of communications with the administration and other departments. The Chairperson maintains essential departmental and student records. At the end of the academic year, the Chairperson submits to the Dean an Annual Report of the department and its members.

Perhaps the most important task of the Chairperson is the mentoring of junior faculty members. The Chairperson is responsible for organizing in a timely fashion the evaluations of tenure track faculty members in the department, collecting from the candidates the relevant materials which will be used to review the candidate's performance in the areas specified by the appointment, rank and tenure procedures outlined in this Handbook, and writing the annual evaluation of the tenure track faculty in the department which is then submitted to the Dean by the dates specified in this Handbook. The Chairperson is also responsible for following the appointment, rank and promotion procedures for members of his/her department seeking promotion.

Finally, Chairpersons constitute a group of colleagues, who, working with the Dean of their School, deliberate and formulate policy and curriculum issues, decide budget and resource allocation, and sometimes deal with governance matters.

3.3.3 Academic Program Directors as Chairpersons

If a full-time faculty member is a director of an academic program, and substantially fulfills the responsibilities of a department chair, as determined by the Provost and Deans of the relevant schools, the director of the academic program shall receive the same release time and stipends available to comparable department chairs.

To ensure transparency, Academic Deans shall make public, as soon as reasonably practical, through oral or written communications, to their department chairs, all stipends and release times received by directors of academic programs. In the event that release times or stipends of directors of academic programs change, the Academic Dean shall make public, as soon as reasonably practical, through oral or written communications, to their department chairs, such changes.

3.3.4 Director of the Library

The Library Director is responsible for the overall development, administration, and assessment of library resources and services. The Director prepares and manages the library budget, and collaborates with Institutional Advancement for external funding opportunities. Additionally, the Director hires, supervises, and evaluates library department heads and approves the hiring of all other library employees. The Library Director serves on college-wide committees to participate in the successful implementation of college-wide goals, and represents the library at campus events to promote the library's role in facilitating student success. Within the College community, the Director is also a member of Deans' Council and other relevant academic affairs committees; in the external library community, the Director serves on the NOBLE Consortium Board of Directors and other regional organizations in the professional community.

3.3.5 Registrar

The Registrar works with the Faculty through department chairpersons and the Provost/VPAA in organizing the offering of courses and establishing the final examination schedule. The Registrar works with the Faculty Senate Calendar Committee to create and publish in a timely fashion the academic calendars. The Registrar serves on the Academic Board to provide salient student information required by members of the Academic Board in making their decisions. The Registrar also serves on the Dean's Council to provide information that the Registrar's office is responsible for maintaining.

3.3.6 Director of the Center for Academic Enrichment

Reporting to the Provost and Vice President for Academic Affairs, the Director of the Center for Academic Enrichment (CAE) is responsible for working with the Faculty and Faculty Senate and other relevant constituencies within the College community and beyond and assumes an overall responsibility for the initiation, development, direction and coordination of the activities that the College undertakes in support of the enhancement of student learning. The Director of CAE also assumes an overall responsibility for maximizing opportunities for academic success of the College's students, including the initiation, development, direction and coordination of centers, programs and services that the College offers, monitoring students' academic performance, initiating, directing, and coordinating an effective and timely intervention when needed, and communicating in an effective and timely manner with students, faculty, families, other relevant offices, and other individuals (psychologists and psychiatrists) and agencies and organizations (e.g. colleges and universities) as needed.

A member of the Deans' Council and Secretary to the Academic Board, the Director of CAE also works with other constituencies of the College community on issues of academic policy and procedures, and academic counseling. It is also the responsibility of the Director of the Center for Academic Enrichment to conduct, evaluate and oversee the College's Early Alert, Midterm Alert and any other initiatives designed to identify and take action on potential academic problems.

3.3.7 Director of International Programs

The Director of International Programs provides support to international students and study abroad students, recruits study abroad students, and oversees record keeping for federal regulations. In accordance with Merrimack College's commitment to the development of the intercultural understanding of its students, the Director assumes primary responsibility for the promotion, oversight, and coordination of: the development, assessment, and enhancement of the College's Study Abroad Program; the participation of the College's students in the program; and the study abroad related activities of the various Merrimack College departments.

Essential functions and responsibilities of the Director of International Programs includes:

- Lead and direct all aspects of the institution's international strategic plan for program offerings. Focus on development, assessment and enhancement of the college's study abroad programs (year-long, academic year semester, summer) in collaboration with faculty and pertinent administrative offices (Registrar, Bursar, Financial Aid, Residence Life.)
- Oversee study abroad programs and events and increase awareness from Merrimack students through outreach and initiatives. Develop and implement strategies to attract student participation and faculty engagement.
- Coordinate with and evaluate Merrimack-affiliated institutions abroad and study abroad organizations based in the U.S.A.
- Serve as the Primary Designated School Official for the F1 program and the Responsible Officer for the J1 program.
- Contribute as a member of the Retention Committee on development of strategies to retain Merrimack international students. Actively participate in programs to ensure successful retention efforts in collaboration with pertinent offices.
- Perform the duties of the chief administrator of the International Program Office, including but not limited to the supervision of the work of the office and supervision of the budgets of the International Programs Office.
- Advise and assist the Office of Admission in its efforts at recruiting international students for Merrimack College.
- Related duties as assigned.

3.3.8 Director of Service Learning

The Director of the Stevens Service Learning Center oversees the service learning program and helps to coordinate experiential learning initiatives for the College. The Director maintains knowledge of broad pedagogical issues and trends related to service and experiential learning in the college curriculum. The director's essential responsibilities include: development and supervision of all operational aspects of the Stevens Service Learning Center and the Lawrence Math & Science Partnership; outreach to the greater Merrimack Valley non-profit community to develop and maintain service learning opportunities; and outreach to the Merrimack College faculty to advocate for and teach about service learning. The Director serves on many college-wide committees and is a member of the Deans' Council.

Chapter 4: Search and Appointment Procedures for Academic Administrators

Academic administrators of the College include the President, the Provost and Vice President for Academic Affairs, the Assistant to the Provost and Vice President for Academic Affairs, the Deans and Associate Deans of the Schools, and department Chairs. These positions are normally filled by individuals who hold faculty rank and status at either Merrimack College or another institution. When individuals, who do not have faculty status at Merrimack College, are appointed to academic administrative positions, then before or when the individual is appointed to the administrative position, the individual may first seek faculty status at Merrimack following the procedures outlined in the *Faculty Handbook*.

When administrative officers are to be offered appointment to the Faculty at the rank of Assistant Professor, the approval of an academic department in which the administrative officer would hold such rank is required. When administrative officers are to be offered appointment to the Faculty at the rank of Associate Professor or Professor, the approval of a department and the Faculty Senate Appointment, Rank, and Tenure Committee are required.

4.1 Search and Appointment Procedures for President of the College

4.1.1 Presidential Search Protocol

The Trustees recognize, and welcome, the participation of representatives of the other constituencies, particularly the College's Faculty, in the process of selecting a President of the College. Trustees, Administrators, Faculty, Students, Alumni, and Staff recognize that, as the College's constituencies, they must work together, in harmony, to continue to improve the stability, excellence, and prestige of Merrimack College. Each constituency shall respect the views of the other constituencies and shall make a good-faith effort during the search to make statements, and to engage in activities which will earn the trust of the entire College community.

However, all constituencies recognize the primacy of the Board of Trustees in certain matters, including the governance of the College and the election of officers of the Board and the College. One of the most important decisions facing a Board of Trustees is the election of the President of the College, who, in the language of the By-Laws, is "the principal academic and executive officer of the corporation and shall in general supervise and control all of the business and affairs of the corporation." (Article VI, Section 5)

- The Board will appoint a committee to update the criteria statement (Criteria Statement Committee). Individuals to be appointed will be identified by each constituency according to its own procedures and then appointed by the Board of Trustees. The Criteria Statement Committee shall be reflective of the community and its constituencies. The membership will be designed to garner input from the

community and reflect various weights of responsibility in relation to the process. As a model, the Committee will generally be composed of six trustees, three faculty, one student, one alumnae/alumnus, and one administrator. Individuals appointed to the Criteria Statement Committee may not serve on the Search Committee. The Committee shall forward the Criteria Statement to the Board for its consideration and final adoption.

- The Criteria Statement Committee can meet and conduct normal business with a simple majority and with at least half of the trustee membership present. For the purpose of forwarding the Criteria Statement to the Board of Trustees, at least two-thirds of the full membership shall be present with at least two-thirds of the trustee membership also present.
- The Criteria Statement Committee shall determine its own internal procedures with the goal of ensuring fairness, timeliness, thoroughness, open discussion and comity.
- The Board of Trustees shall receive and finalize the Criteria Statement drafted by the Criteria Statement Committee. Rationale for any changes made will be provided to the Criteria Statement Committee. Once finalized, the Criteria Statement shall be forwarded to the Search Committee.
- The Board of Trustees will appoint a Search Committee. Individuals to be appointed will be identified by each constituency according to its own procedures and then appointed by the Board of Trustees. Individuals appointed to the Criteria Statement Committee will not normally serve on the Search Committee. The Chair of the Board or his/her designee will serve as Chair of the Search Committee. The Search Committee shall be reflective of the community and its constituencies. The membership will be designed to garner input from the community and will reflect various weights of responsibility in relation to the process. As a model, the Committee will generally be composed of six trustees, three faculty, one student, one alumnae/alumnus, and one administrator.
- The Search Committee can meet and conduct normal business with a simple majority and with at least half of the trustee membership present. For the purpose of recommending candidates, at least two-thirds of the full membership shall be present with at least two-thirds of the trustee membership also present.
- All applications will be made available to all committee members.
- The Search Committee shall determine its own internal procedures with the goal of ensuring fairness, timeliness, thoroughness, open discussion and comity.
- In accordance with the By-Laws of Merrimack College amended December 2009, “a slate of candidates will be identified by a Presidential Search Committee and the top candidates recommended to the Prior Provincial for his consideration and nomination to the Board. The Prior Provincial and the Presidential Search Committee will collaborate to determine the suitable candidates to be presented to the Board of

Trustees by the Prior Provincial for the election of the President” (page 6).

- The full Board of Trustees shall review the nominees presented by the Prior Provincial. The Board may select any candidate from the list or reject all candidates from the list brought forward by the Prior Provincial. It is required that the candidate appointed shall be from the list recommended by the Search Committee.

4.2 Search and Appointment Procedures for Provost and Vice President for Academic Affairs

When a vacancy arises in the position of Provost and Vice President for Academic Affairs, the President of the College shall inform the President of the Faculty Senate of the vacancy. The President of the Senate shall call on faculty who are designated by the procedures to serve on the Search Committee. In collaboration with the Search Committee, the President will develop a criteria statement.

Any member of the College may make nominations for the position of Provost/VPAA. In the event the new Provost/VPAA is to be recruited from outside the College for the position, the President will undertake her/his recruitment and may receive nominations from any source. In either case, the President shall consult with the individual constituencies of the College to receive counsel.

Upon undertaking the search for a Provost/VPAA, the President or her/his designate will constitute a search committee consisting of:

The Provost/VPAA Search Committee will be constituted according to the requirements below:

- One elected tenured faculty member from each of the schools of the College
- One tenured faculty member elected at-large after the school elections have taken place.
- Two senior administrative officers appointed by the President
- One tenured faculty person, with at least one course release per semester of the search, or tenured academic administrative officer, jointly agreed to by the President and the Executive Committee of the Faculty Senate, to chair the committee.

It is expected as well that the academic qualifications of any candidate brought forward for the position will be reviewed and assessed by the search committee with the department in which said person might receive appointment.

The President may appoint an interim Provost/VPAA in consultation with the Faculty Executive Committee.

Upon completion of the search, the committee shall recommend two to five candidates in rank order to the President for her/his consideration. The President shall choose from those recommended, or she/he may reject all the candidates. A two-thirds vote of the committee is required to forward any recommendation for any candidate to the President. If the President

does not choose to accept any of the recommendations of the committee, she/he shall initiate a new search and/or appoint a new search committee.

The President, after consultation with the Executive Committee of the Faculty Senate shall establish the time frame for the conduct of the search and shall determine the nature and extent of appropriate administrative support.

4.3 Search and Appointment Procedures for Dean of a School

When a vacancy for the position of Dean occurs, the Provost/VPAA in collaboration with the Faculty from the School will conduct a search for a new Dean. Decisions regarding the timing of the Dean search are made by the Provost/VPAA in collaboration with the faculty of the School and with the approval of the President of the College. Dean searches will be national in scope.

Upon undertaking a search for a Dean of a School, the Provost/VPAA will constitute a search committee consisting of

1. A minimum of four faculty with a maximum of one representative from each department in the school to be elected by the Faculty within the school (The Faculty chairs and current Dean within the school will determine the exact number and composition of Faculty representation prior to an election of Faculty representatives. The Faculty chairs and current Dean can also decide to include one staff member from the school to serve on the Search Committee).
2. Two representatives chosen by the President, in consultation with the VPAA and the Faculty Senate Executive Committee.
3. The VPAA (in a non-voting role).

The search committee will be charged with the review of nominations and applications and will upon completion of its review forward the names of any and all candidates recommended by a majority of the search committee to the Vice President of Academic Affairs for his/her recommendation to the President. The President may appoint an interim Dean in consultation with the Provost/VPAA.¹⁴⁴

4.4 Search and Appointment Procedures for Associate Deans

When a vacancy for the Associate Dean position occurs, a call for nominations is issued by the Dean. Any member of the school may make nominations for the position. If there are no internal candidates, then external candidates will be sought and considered when deemed qualified by the relevant department. Candidates seeking the Associate Dean position will submit a letter of application that identifies their qualifications and reasons for applying for the position. Applicants are reviewed by the chairs of the School and the chairs work in collaboration with the Dean to decide on the candidate that is most qualified to fill the position.

¹⁴⁴ Motion 12-13-13: Passed on March 5, 2013

The names of the candidates considered most qualified by the Dean and chairs are submitted in rank order to the Provost/VPAA and the Provost/VPAA then makes his recommendation to the President. The Associate Dean is then appointed by the President.

4.5 Search and Appointment Procedures for Department Chairpersons

Any member of the department may make nominations of tenured members for the position of department Chairperson. In the event a new faculty member is to be recruited from outside the College for the position, the Dean will work with the department members to recruit and receive nominations. The department should conduct the search for the new Chair just as it does for a new faculty member. Procedures that govern the hire of new faculty member should apply in regards to a search for an outside Chair.

4.5.1 Terms and Conditions of the Appointment of Department Chairpersons

A department Chairperson is usually appointed for a three-year term, renewable by the department with approval of the Dean and the Provost/VPAA. In the event that the department Chairperson is on leave of absence or sabbatical leave, the year(s) will be counted toward the three-year term.

4.5.2 Appointment of an Acting Department Chairperson

In case of disability, resignation, leave of absence, dismissal, or death of the incumbent department Chairperson during the term of her/his appointment, the department members will select a new Chair with approval of their Dean and the Provost/VPAA.

4.6 Search and Appointment Procedures for Head Librarian

1. Three members to be elected by the Faculty.
2. The Provost/VPAA and one member to be chosen from the academic Administration by the President of the College.
3. One member of the professional library staff to be selected by the staff.
4. One member to be selected from the student body by a means to be determined by the Student Government Association.

4.7 Search and Appointment Procedures for Dean of Admission

1. Three members to be elected by the Faculty.
2. The Vice President for Enrollment Management and one member to be chosen from the academic administration by the President of the College.
3. One member of the Admissions staff to be selected by the staff.
4. One member to be selected from the student body by a means to be determined by the Student Government Association.

4.8 Search and Appointment Procedures for Registrar

1. Three members to be elected by the Faculty.
2. The Vice President for Enrollment Management and one member to be chosen from the administration by the President of the College.
3. One staff person from the Registrar's office to be selected by the staff.

4.9 Search and Appointment Procedures for Director of Academic Enrichment Services

1. Three members to be elected by the Faculty.
2. Two members of the academic administration to be selected by the President of the College.
3. The Provost/VPAA.
4. One member to be selected from the student body by a means to be determined by the Student Government Association.

4.10 Faculty Review of the Academic Qualifications of Candidates for Academic-Administrative Positions

The academic qualifications of candidates for academic administrative positions who are or desire to be members of the Faculty, including but not limited to the President, Provost and Vice President for Academic Affairs, and Dean of Schools, shall be reviewed by the appropriate faculty bodies as a part of the search process.

4.10.1 Purposes of Faculty Review

Faculty review of candidate qualifications serves two purposes: (1) to inform the Search Committee's deliberations on the academic qualifications of candidates, and (2) when appointment with advanced rank and/or tenure is sought, to initiate the process for recommending such an appointment to the Faculty.

Normally, faculty review will occur after a Search Committee has completed one or more screenings of candidates, and is focusing on potential finalists (often a range of three to five candidates). In addition, and at its discretion, a Search Committee may decide to request, for the purposes of informing the deliberations, an informal written review and assessment of selected candidates by the academic department appropriate to each candidate's discipline (honoring the wishes of any candidates who have specifically requested that their interest remain confidential until the finalist stage of the search). While such an additional review would be informal and operating on limited credentials, final review of any candidate(s) requires the submission of a more complete package of materials as outlined below.

4.10.2 Review Process

The Search Committee should determine early in the search process whether the completion of a successful search would involve seeking an (a) appointment to the Faculty with probationary status at entry level (Assistant Professor), or (b) appointment to the Faculty with advanced rank (Associate Professor or Professor) and/or with tenure. In order to expedite the review, the Search Committee should then notify the appropriate faculty bodies to be in readiness to conduct the necessary review(s).

(A) For appointment to the Faculty with probationary status at entry level rank (Assistant Professor), the Search Committee will seek written review and assessment, including a recommendation regarding appointment, by the academic department appropriate to each candidate's discipline.

(B) For appointment to the Faculty with advanced rank and/or with tenure (Associate Professor and Professor), the Search Committee will initiate the process for recommending such an appointment by seeking, in accordance with current procedures and practice, the necessary department or Area Committee review, assessment, and recommendation and subsequent Appointment Rank and Tenure Committee review, assessment, and recommendation for each candidate, as follows: Said department or Area Committee review and recommendation should be forwarded to the Appointment, Rank, and Tenure (ART) Committee for its consideration and then to the Vice President and President for their consideration.

(1) In cases of appointment at advanced rank with probationary status, the Search Committee will seek the appropriate academic department's written recommendation with rationale for appointment at advanced rank. The Search Committee will forward its recommendation(s) to the ART Committee for its review and recommendation. (Note: For appointments at advanced rank but with probationary status, tenure review is required within the time limitations specified in the College's tenure regulations.)

(2) In cases of appointment at advanced rank with tenure, the Search Committee will seek the formation of an Area Committee centered in the appropriate department. The Area Committee's recommendation for appointment with tenure and advanced rank shall be presented in a written report with rationale to the ART Committee. The ART Committee will then consider the candidate's qualifications for appointment with tenure at advanced rank.

(3) In the case of conferring academic rank with or without tenure on the President, the final recommendation is made to the Chair of the Board of Trustees who will make the appointment of rank with or without tenure.

Both reviews will be submitted to the President as a part of the Search Committee's recommendation(s).

4.10.3 Materials Expected for Review

The materials to be provided for faculty review will, as much as possible, be those normally expected of candidates for the type of recommendation sought.

For appointment to the rank of Assistant Professor with probationary status, the standard dossier materials may include a vitae, letters of recommendation, samples of teaching materials, teaching evaluations, copies of scholarly work, graduate transcripts, and any other materials the candidate may wish to provide.

For appointment to advanced rank with tenure (Associate Professor, Professor), the Search Committee should work with candidates to assemble and provide for review as much of the following materials as can be reasonably and expeditiously obtained:

- (a) A complete curriculum vitae that includes detailed information on educational background, employment history, publications and professional activities, committee and other non-teaching activities in the academic community;
- (b) Letters of recommendation addressing teaching, scholarly activity and service;
- (c) Official graduate school transcripts;
- (d) To the extent possible,
 - a. Recent evaluations of performance as a faculty member
 - b. Evaluations of teaching, including student evaluations
 - c. Course materials, including syllabi and exams
 - d. Copies of significant scholarly work and other representative scholarly materials
- (e) A detailed description with corroboration, of the process by which the candidate has previously been granted tenure.

In addition, such candidates may offer any other evidence she or he deems relevant and may provide a personal statement interpreting her or his record in relation to the tenure criteria

described in this Handbook. Previous tenure that was awarded based on a process of faculty review will be considered positive evidence for tenure and may be weighed in accordance with the role/extent faculty review played in the process. All of the evidence gathered by the Search Committee regarding a candidate must be included in the materials for review.

The Search Committee will arrange for candidates to be advised regarding the gathering and presentation of the materials necessary for faculty review.

4.10.4 Timetable for Review

For reviews requiring the formation of area committees, the Search Committee must notify the appropriate faculty Dean a minimum of two weeks in advance, identifying the candidate's discipline(s) and requesting formation of the necessary committees. Ideally, this notification should occur early in the search process to ensure adequate time for consideration of the candidate's qualifications.

In the case of a candidate(s) to be reviewed, the following timetables for faculty review begin upon the forwarding of a completed packet of materials for review. The timeliness of the review thus depends upon the timeliness of the submission of the complete package. The Search Committee should factor into its timetable for its search sufficient time for the gathering of materials as well as for their review by appropriate committees.

The timetable for faculty review is normally:

Upon receiving a complete package of materials for review, the applicable academic department or the area committee will complete its review and provide a written recommendation with rationale within eight (8) working days. For probationary appointments at the Assistant Professor rank, the recommendation will be forwarded to the Search Committee. For appointments at advanced rank without tenure, the recommendation will be forwarded to the Search Committee. For probationary appointments with advanced rank and for appointments at advanced rank with tenure, the recommendation will be forwarded to the ART Committee, with a copy to the Search Committee. If the same academic department is asked to review multiple candidates, it shall have eight (8) working days for each candidate but will endeavor to complete its work as expeditiously as possible.

Upon receiving a completed packet of materials, the ART Committee will prepare and send to the Chair of the Search Committee a written recommendation addressed to the President, or to the Chair of the Board of Trustees in the case where the President/President-Elect is an applicant, to be included in the candidate materials to be forwarded by the Search Committee for her or his consideration. The ART will have eight (8) working days to complete its review of each candidate but will endeavor to complete its work as expeditiously as possible.

For the purposes of this timetable, a working day is defined as a day on which classes are held during the Fall and Spring terms. To prevent difficulties related to time periods when classes are not scheduled and the availability of faculty is limited, Search Committees should try to complete searches within the regular academic calendar year.

4.11 Guidelines for Search Committees for Academic-Administrative Appointments

Ad hoc Search Committees for academic Administrative appointments should observe the following guidelines.

The Committee shall be formed normally within two working weeks of the notification of the vacancy.

The Committee shall devise its own procedures consistent with the requirements of a thorough search.

Any candidate who is to be a member of the Faculty must be deemed qualified by the relevant department before she or he is recommended. A preliminary positive department assessment as to the individual's qualifications to be a member of the Faculty must be made before the individual is interviewed and a final post-interview positive assessment by the department must be made before the individual is recommended for the position.

Upon completion of its search, the Committee shall recommend in rank order two to five candidates to the President. Each candidate must receive a two-thirds vote in committee in order to be recommended. The President shall choose only from candidates who are recommended.

If the President should reject all of the Committee's recommendations, this decision shall be communicated to the Committee with a written rationale. In such a case, the Committee should begin a new search.

If a Committee should find only one suitable candidate in the applicant pool, this decision shall be communicated to the President with a written rationale. If the President should reject this recommendation, this decision shall be communicated to the Committee with a written rationale. In such a case the Committee should begin a new search.

If the Committee shall find no suitable candidates within the applicant pool, this decision shall be communicated to the President with a written rationale. In such a case, the Committee should begin a new search.

Before an offer is made to a candidate, the President shall inform the Committee of her or his choice. The Committee will keep this information in confidence until notified by the President of the candidate's decision.

When a contract has been signed between an appointee and the College, the Search Committee shall disband.

Chapter 5: The Faculty

5.1 Overview

The Faculty has primary responsibility for the academic program. The Faculty determines the curriculum, sets requirements for admission and graduation, establishes standards for scholarship and conduct and formulates the general academic policies of the College. All full-time faculty and administrators with faculty rank have voice and vote in Faculty Senate meetings. Faculty Senate membership and voting privileges are specified in the Senate Constitution. At Merrimack College, the President has a voice but no vote at Faculty Senate meetings while the Provost and Vice President for Academic Affairs has both a voice and vote at Senate meetings.

5.2 Rights and Responsibilities of Faculty Members

5.2.1 Academic Freedom

All members of the Faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, as formulated by the Association of American Colleges and the American Association of University Professors.

Institutions of higher learning are communities of scholars in which faculty gather to seek, teach, and profess knowledge for its own sake rather than for any immediate political, social, or economic gain. Such institutions are conducted for the common good and not to further the interests of either the individual faculty member or the institution as a whole. The attainment of the common good depends upon the free search for truth and its free expression.

Academic freedom is essential to these purposes. Colleges and universities can fulfill their missions only when their faculties enjoy the academic freedom to pursue knowledge without fear of pressure from sources inside or outside their institutions. For this reason, academic freedom is a right and not a privilege to be granted or withheld. Equally, such freedom carries with it commensurate responsibilities.

Members of the teaching staff of the College shall have academic freedom and tenure under conditions set forth currently in this *Faculty Handbook*, as revised from time to time.

It is the policy of Merrimack College to preserve and defend academic freedom by vigorously resisting all efforts from whatever source to encroach upon or restrict it. Academic freedom is essential to the pursuit of knowledge in the classroom, in the College community, and in the academic disciplines. Thus, academic freedom provides for faculty rights in teaching, scholarship and/or creative work, and service, and supports their accompanying academic responsibilities.

Faculty members have the right to hold teaching positions and to enjoy freedom in the presentation of their subjects in the classroom based upon their scholarship and mastery of those subjects. However, faculty should not persistently impose materials unrelated to their courses into their teaching. It is likewise a violation of professional responsibility to fail to present the announced subject matter of a course to students and as approved by the Faculty in its collective responsibility for the curriculum.

Faculty members have the right to full freedom in research and publication. They are, however, subject to any restrictions set by law, by applicable codes of professional ethics, and by stated College policy. Except under conditions of national emergency, a faculty member should not undertake research on College time or using College facilities or funds under any agreement that would (except for clearly stated, reasonable time) prohibit open communication of the results.

Faculty members are citizens, members of learned professions and of institutions of higher learning. As members of such communities, Merrimack faculty members have the rights and obligations of any citizen. When they speak or write as private persons, faculty members are free from College censorship or disciplinary action. When they speak or write within the areas of their expertise, faculty members have the right to identify themselves by academic rank and College affiliation. However, in either case they should not assert or imply that they are acting as spokespersons for the College.

Because freedom of access to recorded knowledge is essential to teaching, learning, and research in a democracy, access to a full range of materials on any subject, however unpopular, controversial, or apparently incorrect will not be infringed. The principles of academic freedom will apply to the acquisition and preservation of such materials and also to those who provide and those who use them.

Because academic freedom also includes the right to hear different perspectives, faculty members have the right to invite and students have the right to hear speakers who are invited by a faculty member or student organization. Merrimack College supports diversity in opinion as an important part of the educational process. Duly constituted organizations at Merrimack College may invite and hear speakers without fear of reprisals. However, the rights to listen or be heard must be pursued in ways that do not injure individuals, damage College property, disrupt the functions of the College, or undermine the educational mission of the College.

Commensurate with academic freedom, faculty members have responsibilities to their students and their academic disciplines as teachers and scholars, and to their colleagues and the College community.

Faculty members will encourage in students the free pursuit of learning and independence of mind, while holding before them the highest scholarly and professional standards. Faculty members will show respect for each student as an individual and will adhere to their proper roles as intellectual and professional mentors. They will make every reasonable effort to foster honest academic conduct. Faculty members will evaluate student academic performance, regardless of considerations of race, creed, gender, or personal beliefs. Faculty members will not exploit students for private advantage and will acknowledge any significant assistance received from them.

Faculty members also have responsibilities to their colleagues, deriving from their common membership in a community of scholars and teachers. They will respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they will show due regard for the opinions of others and will acknowledge their intellectual debts. They will strive to be objective and fair in any professional judgments of their colleagues.

Faculty members have responsibility to their disciplines and to the advancement of knowledge generally. In this regard their primary obligation is to seek and to state the truth as they perceive it. To this end, they will exercise critical self-discipline and judgment in applying, synthesizing, and professing knowledge, and they will, at all times, practice intellectual honesty.

Faculty members have responsibilities to the College. Thus, faculty members will accept a reasonable share of the responsibility for the governance of the College. While exercising their right to evaluate College policies and procedures and in seeking to revise them, they will abide by current policies and procedures, provided these do not contravene academic freedom. While individual faculty members determine the amount and nature of the work they perform outside the College, they will do so within the guidelines set forth in College policy and with full regard for their paramount responsibilities within the College.

5.2.2 Academic Integrity Code and Review Procedures (adapted from the academic integrity policies and procedures of Villanova University)

The academic purpose of attending college is to pursue knowledge and truth, a purpose wholeheartedly embraced by St. Augustine in his own intellectual life. The collegial pursuit of knowledge and truth depends on cooperation and trust between student and teacher, among students, and between the student and the college. This pursuit involves learning methods of research and writing whereby such knowledge and truth are both learned and subsequently conveyed through competencies and skills acquired through academic study.

Academic integrity is fundamental to creating and maintaining an atmosphere of cooperation and trust. It is thus a concern for everyone in the college community.

The academic integrity code below is designed to help students understand what is not permissible in their academic and intellectual lives at the college. It seeks to protect students from unintentional acts of dishonesty and to preserve the trust inherent in the student-teacher relationship, which is compromised if suspicion arises regarding the integrity of a student's work. The code is also designed to inform students of the rules which will be used to judge academic integrity infractions.

Academic Integrity Code

In the broadest sense, academic dishonesty results from any attempt to gain an unfair advantage over others. The following definitions and examples are meant to guide you as students in the matter of avoiding academic dishonesty in your studies at the college. The code is also designed to inform you of the rules which will be used to judge academic integrity infractions.

Cheating

While taking a test, quiz, or examination, you must rely on your own mastery of the subject and not attempt to receive help in any way not explicitly approved by the instructor. For example, students cannot use books, notes, study aids, assistance from electronic devices, or another's work without the instructor's permission.

Trying to take someone else's examination or trying to have someone else take your own examination is prohibited, as is lying about a class absence or about the need for an extension on a paper or exam, claiming that an exam or paper has been submitted but lost by the instructor, or changing exam answers after the exam has been returned. Obtaining, in advance, specific questions on any test, quiz, or examination not authorized by the instructor is likewise prohibited. Similarly, purchasing a term paper or copying another student's work and submitting it in whole or in part as your own are prohibited and constitute plagiarism (see below).

Team or collaborative projects, however, where students are told by their instructor to work together and the submission represents joint effort, are permissible.

Fabrication

You must not falsify, invent, alter, or use in a deliberately misleading way any information, data, or citations in any assignment. For example, making up or changing data or results or relying on someone else's results in an experiment or lab assignment is prohibited, as is citing sources that either don't exist or have not been actually used or consulted.

Complicity

You must not help or attempt to help another student commit an act of academic dishonesty as, for example, allowing another student to cheat from your exam or assignment or helping another student on a take-home exam.

This prohibition does not apply to team projects where students are directed by their instructor to work together.

Plagiarism

Plagiarism is intellectual theft. At Merrimack, the failure to acknowledge the intellectual contributions of others is considered plagiarism. It is important to avoid even unintentional plagiarism by being familiar with accepted ways to acknowledge sources and by developing good note-taking and research habits. The explanations and examples below are designed to help you avoid plagiarism.

The most common way to acknowledge the reliance or indebtedness to someone else's work is to provide footnotes, end-notes, in-text citations, or other documentation. Commonplace knowledge such as well-known dates, proverbs, or colloquial expressions seldom require documentation, but you should consult your instructor or cite the source if you are in doubt. In general, the harder it would be for someone to find the fact you have mentioned, the more

likely you need to acknowledge its source. It is your responsibility to show clearly when and where you are relying on others, in part because your readers may wish to learn from the same sources you have used.

Since the internet has made information so readily available and the indebtedness of students to sources of many kinds raises issues of how best to handle sources, the following instructions are meant to be helpful in avoiding plagiarism. They are not, however, a substitute for instructions from your particular teachers.

- It's plagiarism if you use someone else's words without acknowledgement. If you use someone else's words, not only must you give the source, but you must also put these words in quotation marks or use some other appropriate means of indicating that the words are not your own. This requirement applies to spoken as well as written words and mathematical formulations, whether or not they have been formally published.
- It's plagiarism if you use someone else's ideas, facts, data, or arguments without acknowledgement, even if the words you use are your own. If you use someone else's examples, reasoning, or experimental results, you must acknowledge that use. Paraphrasing, summarizing, or rearranging someone else's words, ideas, or results does not alter your indebtedness to the source, which must be acknowledged.
- It's plagiarism if you acknowledge someone in a way that will lead a reader or listener to think your indebtedness is less than it actually was. If you use a whole paragraph worth of ideas from a source and include as your final sentence a quotation from that source, for example, you must indicate that your indebtedness includes more than just the quotation. If you simply put a page number after the quotation, you will lead your reader to think that only the quotation comes from the source. Instead, make clear that you have used more than the quotation.

Since online information is so readily available and cut-and-paste procedures are so easy to use, you must understand and use accepted techniques for citing internet sources and must be particularly on guard not to claim authorship of any idea or words of another. Since many internet sources do not include an author's name, it is easy to assume that the work is part of the public domain and may be used without acknowledgement. This is not the case. All work taken from another must be acknowledged. The same rules apply to citing internet sources as apply to citing print sources, but the form of the citations may differ. Information on how and when to properly cite sources is available from your instructor. You can also seek help from staff in McQuade Library or visit the library's webpage: "How to Cite Sources," <http://libguides.merrimack.edu/content.php?pid=117804>. Help is also available at the Writing Center located in the Academic Success Center in McQuade Library.

The words or ideas of a roommate or tutor or of an encyclopedia, or notes from another class all require acknowledgement. Introductions and notes from books also require acknowledgement. Speak with your instructor about the best way to handle such acknowledgements for your particular class.

- It's still plagiarism if you use unacknowledged material accidentally or even unintentionally. Avoiding plagiarism begins with good note-taking, research, and essay-drafting habits. Take careful notes on sources, keeping track of these sources throughout the various stages of the writing process. Notes should identify the information you have obtained and where you acquired it so that later you can acknowledge your indebtedness accurately. A paper can be plagiarized even if you have simply forgotten that you used a certain source, or even if you have included material accidentally without remembering that it was taken from another source. One of the most common problems is that students write a draft of a paper without proper documentation, intending to go back later to "put in the references." In some cases students accidentally hand in such papers instead of the documented version, or they forget to include some citations in their final draft. The fact that the wrong draft was submitted is not a defense against an accusation of plagiarism. In general students are held accountable for the work that they actually hand in, rather than the work they intended to hand in.

Appropriation

You must acknowledge the original source when using or incorporating an existing work into the production of a new work for a variety of purposes such as creating parody, offering commentary, or extending meaning and/or expression through a new context for the original work. Appropriation is particularly relevant to the fine arts. It is an expressive option that requires attention to legal and historical practice and responsibility since copyright and other laws may be involved. You should acknowledge the original source(s) according to your instructor's guidelines.

Multiple Submissions

You must not submit academic work for a class which has been done for another class unless your instructor gives prior approval. In any assignment, an instructor is justified in expecting that a certain kind of learning will be taking place. Handing in something done previously may preclude this learning.

Unsanctioned Collaboration

When doing out-of-class projects or assignments, you must work individually unless collaboration has been expressly encouraged or permitted by your instructor. In many disciplines, collaboration is considered not simply a vital tool for learning, but more importantly, one of the primary means for generating knowledge. Thus it is expected, encouraged, and in some cases mandatory that students collaborate with each other, with faculty, and with tutors as they complete their assignments. You should follow your instructor's guidelines with respect to whether and what kind of collaboration is permissible with regard to an assignment or project. You should follow your instructor's guidelines with respect to seeking the help of tutors for a graded assignment and to the manner of the acknowledgement of such help. If you are in doubt as to whether collaboration is acceptable, you should assume that you are expected to do your work independently unless cooperation is specifically authorized by the instructor. When in doubt, ask your instructor.

Penalties for Academic Dishonesty

Individual Course Penalty

The academic course penalty will be determined by your instructor. A student who violates the academic integrity code in a course may receive an F for the course, or, at the discretion of the instructor, a less severe penalty. If you withdraw from any course in which you have been accused of an academic integrity violation for which the penalty is F for the course, the Provost/Vice President for Academic Affairs will record the grade of WF on your transcript.

College Penalty

If the course penalty results in failure for the course, you will be referred to the instructor's academic dean. The severity of the violation may, in the judgment of the dean and upon the recommendation of the instructor, require an additional college penalty beyond failure for the course. A college penalty may result in such actions as suspension or expulsion from the college. Your academic dean will be notified of the action.

If not expelled from the college, you must complete an educational program devised by the office of the Provost/Vice President for Academic Affairs and supervised by your academic dean, to help you come to a fuller understanding of the academic integrity code. If you fail to complete the educational program to the satisfaction of your dean, and within the timelines specified by your dean, a hold will be placed on your transcript until the program has been completed.

Right of Appeal

If you acknowledge the integrity infraction but believe that *the course grade penalty* is inappropriate, you may appeal the grade through the normal college procedure for resolving grade disputes. Your instructor can inform you of the process as can your academic advisor or your academic dean.

If you acknowledge the integrity infraction but believe *the college penalty*, if one has been imposed by the instructor's dean, is inappropriate, you may appeal the dean's penalty to the Provost / Vice President for Academic Affairs (VPAA). All college penalty decisions are reviewed by the Provost / VPAA.

If you believe that you have not committed an integrity infraction, your instructor or your instructor's dean will refer your case to the Academic Integrity Board (AIB). You may also appeal directly to the AIB.

If you withdraw from the college before your appeal is completed, the Provost / VPAA will enter the grade of WF on your transcript for the course and any reapplication for admission to the college may be denied.

Academic Integrity Review Procedures

These procedures cover all cases where students are alleged to have committed infractions of the academic integrity code. Materials on academic integrity violations will be considered an internal and confidential record. These materials will be retained in the files of the Provost / VPAA until the student graduates or withdraws from the college. At that point, the files will be removed and destroyed.

Note: All references to “dean” in the following procedures are to the instructor’s academic dean unless otherwise indicated.

Reporting the Violation

The Academic Integrity Code helps students understand what is permissible and what is not regarding academic course conduct. *Any additional requirements an instructor seeks to impose must be specifically published and accessible to students on either an instructor’s course syllabus and/or course website.*

1. If an instructor believes that a student has violated the academic integrity code, the instructor will, under normal circumstances, notify the student, allowing the student an opportunity to respond. Depending on the circumstances, the instructor may choose to notify the student orally or in writing. At his or her sole discretion, the instructor may take a variety of actions, including taking no action, requiring the student to redo the work or complete an alternative piece of work, giving the student a failing grade for the assignment in question, or giving the student a failing grade for the course, which requires written notification to the student.
2. When an instructor assigns as penalty a failing grade for the course, the instructor must also report the matter in writing to the instructor’s department chair. If the department chair has questions, the chair may refer the matter back to the instructor for further discussion or clarification. Unless the instructor wishes to withdraw the action, the department chair will report the matter to the dean. The dean will notify the Provost /VPAA’s office of the instructor’s action.

If the dean decides to impose a college penalty, then such a penalty can include suspension or expulsion from the college. The dean may request further consultation with the instructor, the department chair, or the student before imposing such a penalty

3. Students who believe an academic integrity violation by others has occurred should report the suspected violation to the instructor. If the instructor does not act on the report, students may also report the matter to the instructor’s department chair, the instructor’s academic dean, or to their own academic dean who will report the complaint to the instructor’s academic dean. The instructor’s department chair or academic dean will investigate and determine how to proceed.

Appeals

1. Appealing the Course Grade Penalty

If a student believes the course grade penalty imposed by the instructor is inappropriate, the student can appeal the course grade through the normal college procedure for resolving grade disputes.

2. Appealing the College Penalty

If a student believes the college penalty imposed by the dean is inappropriate, the student may appeal the college penalty to the Provost / Academic Vice President.

3. Appealing the Allegation

If a student denies that an academic integrity violation has occurred, the dean will refer the matter to the Academic Integrity Board (AIB). A student may also appeal directly to the AIB.

Upon receiving notice from the dean that an alleged academic integrity violation has occurred and the student(s) involved have denied the allegation, the Provost / VPAA will direct the Chair of the AIB to assemble a hearing panel consisting of faculty and student members of the AIB (see “Composition and Procedures of the Academic Integrity Board”). If several students are involved in one case, the dean may request that the panel consider the situation of all involved students, even if one or more do not deny having committed an academic integrity offense. The panel will make a determination regarding whether academic dishonesty has occurred and convey its findings to the dean, who will advise the student and the instructor of their rights of appeal.

The sole purpose of the hearing panel is to determine whether an academic integrity violation has occurred.

If the hearing panel determines that a violation has occurred, the original action of the instructor will stand, subject to decision on any appeal of the board’s findings (see #4 below, “Appealing the Findings of the Academic Integrity Board”). The Chair of the AIB will notify in writing at the same time the instructor’s academic dean and all parties of the hearing panel’s findings. If the student believes, nonetheless, that the instructor’s action is inappropriate, the student may appeal the grade through the normal college procedure for resolving grade disputes. The grade appeal process will only consider the grade and not reconsider or review the decision that an academic integrity violation has occurred.

If the hearing panel determines that a violation has occurred, the dean may impose on the student a college penalty. If, in the dean’s judgment, there are no extenuating or mitigating circumstances and the penalty for the academic integrity violation assigned is expulsion from the college, the dismissal and the reason for the dismissal may be noted on the student’s transcript.

If the hearing panel determines that a violation has NOT occurred, the Chair of the AIB notifies in writing the instructor’s dean and all parties, at the same time, of the hearing panel’s findings.

The instructor's department chair will then request that the instructor re-grade the student's work based on the premise that no violation has occurred. If the instructor refuses, the instructor's department chair will follow the normal college procedure for resolving grade disputes to resolve the matter.

4. Appealing the Findings of the Academic Integrity Board

Findings of the hearing panel of the Academic Integrity Board (AIB) can be appealed in writing to the dean by either the student(s) or the instructor within five (5) business days. There are only two grounds for an appeal: (1) there was a material procedural error in the panel's review of the case; (2) new evidence not reasonably available to the panel at the time of its deliberations has come to light.

After reviewing the records of the hearing panel, written materials submitted with the request for an appeal of the panel's findings, and the results of any further consultations with the parties, the dean may either affirm the finding of the hearing panel or remand the case to the hearing panel on the basis of either or both grounds for appeal.

If the case is remanded to the hearing panel, the panel will review and correct any substantiated violation of procedure and examine any new evidence; it will once again forward its findings to the dean. At this point, the dean will review the findings to be sure the grounds for the appeal of the hearing panel's original findings have been addressed. If so, the findings of the board will stand.

Required Educational Program

Once the determination has been made that an academic integrity violation has occurred, either by admission of the student(s) or findings of the hearing panel of the Academic Integrity Board (AIB) and the penalty is not expulsion from the college, the student's academic dean, in consultation with the AIB Chair, will require the student to complete a program of education and reflection on the meaning and importance of academic integrity. This program will be designed by the office of the Provost / VPAA and may include written exercises, community service, and/or participation in an integrity educational program supervised by the college.

If the educational program is not completed in a timely and satisfactory manner as determined by the student's academic dean, the student's dean will impose a hold on the student's academic records, thus preventing the student from registering for further courses, transferring coursework to another institution, or graduating until the conditions of the educational program have been met.

Composition and Procedures of the Academic Integrity Board

The Academic Integrity Board (AIB) is the appeals mechanism for allegations of academic integrity code violations. It consists of faculty members and students. From its ranks come the members of a hearing panel for any case of alleged academic dishonesty. The sole purpose of the hearing panel is to determine whether an academic integrity violation has occurred. The hearing process is an internal community-based procedure governed by the policies of

Merrimack College and is limited to members of the Merrimack College community as defined below.

Membership

The Provost / Vice President for Academic Affairs (VPAA) will constitute the membership of the AIB according to the requirements below. Except for the Chair of the AIB, who is a member of the Provost/VPAA's staff, AIB members will normally serve three-year terms to provide experience and continuity to the hearing panels.

1. A Chair of the AIB from the Provost/VPAA's office who will have faculty status, as defined in the Faculty Senate Constitution and By-laws. The job of the Chair will be to oversee the academic integrity policy at the college, including insuring that incoming students are aware of the code, that the code is widely disseminated and regularly communicated, working with faculty and academic support staff in devising ways that promote and support academic integrity, devising an educational program to aid understanding of academic integrity by students who have violated the code, and overseeing all procedures of the AIB, including the training of board members on issues such as conflicts of interest, the importance of confidentiality, and how to assess evidence.
2. At least five (5) full-time faculty with at least one faculty person from each of the college's disciplinary divisions (business, humanities, science and engineering, social science) chosen by the Faculty Senate. The faculty will normally serve for three-year terms.
3. At least four (4) undergraduate students chosen by the Student Government Association drawn from each of the college's disciplinary divisions (business, humanities, science and engineering, social science) who have at least sophomore status. Students will serve for the duration of their tenure at the college or up to three years.

If a vacancy in the board occurs, the Provost / VPAA will ask the Faculty Senate and/or the Student Government Association to fill the respective vacancy.

The Hearing Panel

A hearing panel will be formed from the membership of the AIB to hear cases involving an alleged breach of the academic integrity code. A new panel for each case will be formed by the Chair of the AIB on the basis of availability and impartiality. A panel will consist of six (6) members from the following AIB membership categories:

the Chair of the AIB, who will be a non-voting member, who will provide continuity among the various hearing panels, convene and preside over the proceedings, and assure compliance with the requirements of reviewing the complaint at all levels including the hearing process; one faculty member, preferably from the school of the course involved in the alleged violation; two (2) other faculty members, preferably one from the student's school if different from that of the course instructor; two (2) students.

The Hearing Panel Review Process

1. When a case is referred to the AIB, the Provost / VPAA's office will ask the Chair of the AIB to convene a hearing panel to determine if a violation has occurred. Normally the panel will be convened within thirty (30) days of receipt of notification. If the violation occurred prior to the final exam in the course, the hearing panel will, if possible, be convened prior to the scheduled time of the final exam. If the violation is reported during the examination period or between semesters, the hearing panel will, if possible, be convened within thirty (30) days after the beginning of the next fall or spring semester.

2. The Chair of the AIB will inform in writing the student(s), the instructor, the instructor's department chair, the instructor's dean and the student's dean (and, if appropriate, any additional or other complainant) of the time, place, and membership of the hearing panel. The AIB Chair will do so within a reasonable time to permit adequate preparation for the hearing. The hearing will not be delayed if a student cannot be reached for lack of a correct address in the college's student record system. If the student fails to appear for the hearing, the hearing panel will make its judgment on the basis of the evidence presented at the hearing, and the student will forfeit any right to a further hearing or appeal.

3. Members of the hearing panel will disqualify themselves from hearing a case if they feel there is a conflict of interest or a perceived conflict of interest. A disqualified member will be replaced by another member of the same membership category, if possible (see "The Hearing Panel" above for the definition of categories). If another member of the same membership category is not available, the Chair of the AIB will select another member of the AIB to fill the vacancy. In no case, however, will the number of students on the hearing panel exceed two. If the AIB Chair cannot perform the responsibilities of chairing the hearing panel either because there is a real or perceived conflict of interest or other special circumstance that prevents it, then the Provost / VPAA will provide a person to serve as hearing panel chair, preferably a past or present member of the AIB.

An accused student or a complainant may object to any single panel member assigned to the case. The objection must be written and received by the AIB Chair at least two (2) business days before the hearing. Upon ruling that a challenge is valid, the AIB Chair, after notifying the student and complainant, will replace the challenged member with another from the same category if possible. If another member of the same category is not available, the AIB Chair will select another member of the AIB to fill the vacancy.

4. The student(s), the instructor, and the instructor's chair may attend the hearing. Each may, with the approval of the AIB Chair, address the panel. Any member of the panel may question the student(s) or the instructor. The student may present relevant evidence, including witnesses, in support of his or her position. The hearing will be conducted at the college and is closed to the public (including parents, legal guardians, and legal counsel). The AIB Chair will preside but not vote. Formal rules of evidence will not apply. The AIB Chair may admit or exclude witnesses during the testimony of other witnesses and may exclude any person who, in the Chair's judgment, disrupts the proceeding. The student or instructor may each be accompanied by a student or faculty member whose role is limited to advising the student or instructor. This adviser may not make statements, examine witnesses, or otherwise intervene. Advisers cannot be attorneys in any case.

5. The hearing panel will deliberate among themselves with no other persons present and make its determination by confidential majority vote based on the evidence. The sole purpose of the panel is to consider whether an academic integrity violation has occurred. The panel does not make recommendations on issues such as mitigating circumstances or the severity of the punishment. All materials and discussions with respect to any case are considered confidential educational records and are protected by the Family Educational Rights and Privacy Act (FERPA), and any release of case materials is guided by the college's FERPA guidelines. All communications follow the official Merrimack College communication policy as outlined in the Student Handbook.

The minutes of the hearing or hearings are the responsibility of the AIB Chair and will be part of the official confidential file to be kept by the Chair of the AIB in the Provost / VPAA's office. The minutes should include the names of the student(s), the faculty member, the panel members, and any witnesses, advisers, or other individuals who attended the hearing, and should tell the result of the panel's decision. The minutes should not include the actual vote count. The Chair may, at his or her sole discretion, also summarize information that was brought up in the hearing but that does not appear in the record.

6. The Chair of the Academic Integrity Board will notify in writing the instructor's dean and all parties, at the same time, of the hearing panel's findings.

Academic Dishonesty Sanction Guidelines (adapted from the University of Southern California, http://www.usc.edu/studentaffairs/SJACS/forms/sjacs_appa.pdf).

Copying answers from other students on exam (quiz, test, other course work).	F for the course.
One person allowing another to cheat from his or her exam (quiz, test, other course work).	F for the course.
Possessing or using material during exam (crib sheets, notes, books, etc.) which is not expressly permitted by the instructor.	F for the course.
Taking exam from room and later claiming that the instructor lost it.	F for the course and further disciplinary action.
Failing to submit an assignment and later claiming that the instructor lost it.	F for the course and further disciplinary action.
Changing answers after an exam (quiz, test, other course work) has been returned.	F for the course and further disciplinary action.
Fraudulent possession of exam prior to administration.	F for the course and further disciplinary action.

Obtaining a copy of an exam or answer key prior to administration.	F for the course and further disciplinary action.
Having someone else take an exam.	F for the course and further disciplinary action for both students.
Plagiarism.	F for the course.
Submission of purchased term papers or papers written by others.	F for the course and further disciplinary action.
Submission of the same term papers to more than one instructor, where no previous approval has been given.	F for the course and further disciplinary action.
Unauthorized collaboration on an assignment.	F for the course for both

5.2.3 Statement on Freedom of Expression and Dissent

Merrimack College prizes and defends freedom of speech and dissent. It affirms the right of teachers and students to teach and learn free from coercive force and intimidation and subject only to the constraints of reasoned discourse and peaceful conduct. It also recognizes that such freedom and rights entail responsibility for one's actions. Thus, the College assures and protects the rights of its members to express their views so long as there is neither use nor threat of force, nor interference with the rights of others to express their views. The College considers disruption of classes (whether, for example, by the abridgment of free expression in a class or by obstructing access to the place in which the class normally meets) or of other academic activities to be a serious offense that damages the integrity of an academic institution.

5.3 Procedures for Faculty Appointments

The President of the College is granted authority by the Board of Trustees to employ faculty members to fill vacancies in existing or new programs. In selecting faculty members to fill such vacancies, the President will abide by the search procedures for hiring faculty specified in this handbook.

5.3.1 Qualifications for Appointment

Persons are qualified to teach at Merrimack College if they meet the professional standards of their field, demonstrate effectiveness in teaching and have the ability to fulfill the College's institutional expectations. The term "professional standards" includes knowledge of one's field, new methods and current literature, as determined by the members of the discipline. Persons

are qualified if they are acceptable to the President and Provost and Vice President for Academic Affairs, after consultation with the department and Dean of the School, and fulfill one or more of the following: (a) the criteria of the rank at which they may be hired, (b) the professional requirements of their discipline as interpreted by the department, (c) a specific need because of their talents and training.

5.3.2 Length of Faculty Contract

Full-time faculty contracts are for 10 months beginning September 1 and ending June 30. Faculty members will be informed of the College's intention for adjusting faculty salaries as soon as practically possible after the Board of Trustees has finalized the College's projected budget but notification should be no later than June 30th. The academic teaching calendar determines responsibilities and holidays for faculty distribution of teaching and service responsibilities.

5.3.3 Types of Appointment

There are four kinds of full-time teaching appointments at the College: (1) Tenured; (2) Tenure Track; (3) Non-Tenure Track Limited Term; and (4) Non-Tenure Track Open-Ended Term.

(1) Tenured Appointment (continuous contract)

A tenured appointment refers to faculty members who have been awarded tenure and/or promotion according to the Appointment, Rank and Tenure Procedures outlined in this Faculty Handbook. Such appointments are continuous in nature and are offered yearly to faculty members who have been granted tenure, subject only to the policies and procedures outlined in this Handbook.

(2) Tenure-Track Appointment (probationary contract)

A tenure-track appointment will be for a probationary period of service leading to a decision regarding tenure on the teaching faculty, unless the appointment is terminated by action of the appointee or by action of the College as hereinafter provided. A tenure-track appointment during the probationary period may be terminated by the College at any time prior to a decision on tenure. The probationary period will end with the decision regarding tenure.

(3) Non-Tenure Track Limited Term Appointment (limited term contract)

A Non-Tenure Track (NTT) Limited Term appointment is appointment for a specified and limited period of time and under conditions stated in the contract, which exclude eligibility for tenure consideration; service in such appointments cannot be applied to consideration for tenure. A Non-Tenure Track Limited Term appointment terminates at the conclusion of the specified period without the necessity of any notice of any kind. Whenever practical,

individuals will be notified by March 1st concerning their status for the forthcoming academic year, but in no event will failure to give such notice constitute renewal of contract. Successive Term contracts will not exceed the limits specified in the table below.

Non-Tenure Track Limited Term appointments are categorized as follows:

Appointment Category	Degree	Years of Experience	Renewal Notice	Contracts	Maximum Summative Contract Length	Semester Teaching Load
Lecturer	Masters or Terminal Degree	Variable	6 mos	1-3 year	6 years	16 credits/hrs
Visiting (Rank) Professor	Terminal Degree	Variable	6 mos	1-3 year	6 years	16 credits/hrs
Executive Professor	Masters or Terminal Degree	At least 10	6 mos	1-3 year	6 years	16 credits/hrs

Baseline maximum of 16-credit/contact hours per semester during academic year would typically be 4 courses per semester with the additional course taking the place of the required scholarly expectation of tenure-track and tenured faculty; the baseline maximum 16 credit/contact hours is a **starting point**, and it is open for possible negotiated reduced teaching workload (generally considered not to be below 12-hours/credits per semester) with comparable additional service and defined responsibilities and specific deliverables as defined within the respective academic unit.

Lecturer - *Full-time, non-tenured and temporary (limited term) appointment*

Lecturers provide formal classroom or laboratory instruction in an academic discipline. The primary duties of a lecturer are effective delivery of instructional material and course management (e.g. assessments, grading). Other duties may be assigned such as advisement, and/or curriculum development, as determined by the hiring Department and specified in the contract. Lecturers are not required to have a terminal degree. These appointments cannot be converted to tenure-track or tenured appointments. Given the temporary nature of this appointment, the maximum summative contract length cannot exceed six years.

Visiting (Rank) Professor - *Full-time, non-tenured and temporary (limited term) appointment*

Visiting Professors are required to have a terminal degree. They will be hired as Visiting Assistant Professors unless they hold a higher rank (Associate or Full) at another institution at the time of their hiring. In their appointments, they will provide formal classroom or laboratory instruction in an academic discipline. Other duties may be assigned, including advisement and/or curriculum development as determined by the hiring Department and specified in the contract. Such appointments are limited to six years. These appointments cannot be converted to tenure-track or tenured appointments, but if a tenure-track position becomes available, the Visiting Professor may apply for the tenure-track position but will be considered as part of the pool of candidates. Given the

temporary nature of this appointment, the maximum summative contract length cannot exceed six years.

Executive Professor – *Full-time, non-tenured and temporary (limited term) appointment*
Executive Professor appointments will be held by a limited number of eminently qualified education, business, healthcare, science, liberal arts, or government leaders who have made significant impact in fields and disciplines important to sustaining and advancing Merrimack College's academic programs. Executive Professor is reserved for persons who have held very senior positions in business or government for at least 10 years, are effective teachers and advisors, may or may not have a terminal degree. Executive Professors can be expected to impart real-world knowledge to students and serve as role models and advisors. For appointment, the School must identify the candidate's credentials, leadership in and contributions to their field. Given the temporary nature of this appointment, the maximum summative contract length cannot exceed six years.

Length of Term Contracts - Term faculty appointments may be renewed at the discretion of the Department, in consultation with the Dean of the School and the Provost. Lecturer, Visiting Professor and Executive Professor Appointments will be on one-to-three year, potentially renewable contracts. The appointment may be renewed up to a total of 6 years. This will provide Departments and Programs with flexibility in their hiring and allow for strategic choices of Non-Tenure Track Term appointments.

Evaluation of Term Appointments - Faculty on NTT Limited Term appointments will be evaluated in accordance with the procedures outlined in section 8.3.2 of the Faculty Handbook ("Annual Departmental Evaluations").

Faculty given Non-Tenure Track Limited Term Appointments will serve under the following guidelines and policies:

- Term faculty receive a March 1st notice for renewal
- Appointments are renewable with a limit of no more six years
- Appointments can be for up to three years subject to annual departmental reviews and funding
- All term appointments will have primarily a teaching focus with some appointments having other duties specified in their contract
- All term appointments will be eligible for membership in the Faculty Senate
- None of these appointments can be converted to a tenure-track or tenured faculty appointment

(4)Non-Tenure Track Open-Ended Term Appointment (*renewable contract, non-tenure eligible*)

A Non-Tenure Track Open-Ended Term Appointment is an academic appointment made to a member of a profession who engages in practice-oriented instruction in professional programs. Non-Tenure Track Open-Ended Term appointments are characterized by their emphasis on

practical skills training and/or applied learning. These appointments are primarily engaged in teaching, providing a practice or service activity in such a way that it serves as a framework for teaching, and/or supervising students in laboratory, clinical, or field settings. Persons may serve as Non-Tenure Track Open-Ended Term Faculty without limit of time through successive reappointments, however the College does not assure continuity of appointments for any person in the Non-Tenure Track Open-Ended Term appointment. Academic ranks are at the Assistant, Associate, and Full rank qualified by the titles, Professor of Practice, Instructional Professor or Clinical Professor. Characteristics of the Non-Tenure Track Open-Ended Term Faculty ranks are summarized in the table below.

Non-Tenure Track Open-Ended Term Faculty Ranks	Contracts	Workload*	Promotion Opportunity
Assistant Professor of Practice, Instructional Professor, or Clinical Professor	1-year for first three years, then 3- year with favorable review	<ul style="list-style-type: none"> • Teaching – Maximum 16 credits/contact hours per semester • Service/Professional Development, as defined by School/Department 	-----
Associate Professor of Practice, Instructional Professor, or Clinical Professor	3-year with favorable review (if hired at Associate, 1-year for first 3 years)	<ul style="list-style-type: none"> • Teaching – Maximum 16 credits/contact hours per semester • Service/Professional Development, as defined by School/Department 	After 6 years at Assistant Rank at Merrimack
Full Professor of Practice, Instructional Professor, or Clinical Professor	3-year with favorable review (if hired at Full, 1-year for first 3 years)	<ul style="list-style-type: none"> • Teaching – Maximum 16 credits/contact hours per semester • Service/Professional Development, as defined by School/Department 	After 6 years at Associate Rank at Merrimack

* Baseline maximum of 16-credit/contact hours per semester during academic year would typically be 4 courses per semester with the additional course taking the place of the required scholarly expectation of tenure- track and tenured faculty; the baseline maximum 16-contact hours is a **starting point**, and it is open for possible negotiated reduced teaching workload (generally considered not to be below 12-hours/credits per semester) with comparable additional service and defined responsibilities and specific deliverables as defined within the respective academic unit.

Professor of Practice - *Full-time, non-tenured and open-ended appointment*

Professor of Practice will be held by a limited number of eminently qualified education, business, healthcare, science, liberal arts, or government leaders who have made significant impact in fields and disciplines important to sustaining and advancing Merrimack College's academic programs. Appointed Professors of Practice are individuals who have demonstrated excellence in their profession for several years, are effective teachers and advisors, may or may not have a terminal degree, and are recognized by their peers as leaders in their field. Professors of Practice can be expected to impart real-world knowledge to students and serve as role models and advisors. For appointment, the Department must identify the candidate's

credentials, leadership in and contributions to their field.

Instructional/Clinical Professor - *Full-time, non-tenured and open-ended appointment*

These positions will be held by a limited number of faculty with extensive experience, current relevant practice knowledge, and a professional network beneficial to professionally oriented academic programs. These positions will allow professional programs to hire experienced practice-oriented faculty for longer than six years. Highly skilled and knowledgeable practitioners are valuable participants in the design and delivery of an experientially-focused curriculum that is key to preparing graduates for success in several professions. The qualities and assets of this type of faculty member complement the academic background and activity of the tenured and tenure track faculty.

Notice of Renewal or Nonrenewal - Non-Tenure Track Open Ended Term appointments will follow the processes described in Section 8.3.4 of the Faculty Handbook. Non-Tenure Track Open Ended Term Faculty will follow the appeal processes outlined in Section 8.3.4.

Evaluation and Promotion - Non-Tenure Track Open-Ended Term Faculty must demonstrate a high level of achievement in teaching effectiveness as defined by criteria and timeline in the Faculty Handbook (Chapter 8). An ongoing commitment to service to the Department and/or professional development that supports teaching effectiveness will also be considered as determined by the academic unit/Dean and specified in the individual faculty contract. All faculty with these appointments will be assigned advocates.

Annual evaluations of Non-Tenure Track Open-Ended Term faculty will be conducted by the Department in accordance with the annual review process set forth in the Faculty Handbook (Chapter 8). Each Non-Tenure Track Open-Ended Term faculty member will be evaluated by a committee of the tenured members of his/her Department for teaching effectiveness (Chapter 8). Any additional expectations/roles regarding scholarly activities, professional development and/or service specified in the contract will also be reviewed in accordance with the annual review process set forth in the Faculty Handbook (Section 8.7). A formal third year evaluation of Non-Tenure Track Open-Ended Term faculty will be conducted in accordance with the procedures in the Faculty Handbook (Section 8.3.3) before a contract for a term longer than one year is offered. Recommendations will be made to the Dean of the Non-Tenure Track faculty member's School.

In cases of promotion, the Academic Rank and Tenure (ART) Committee would receive a copy of the materials from the Departmental Committee. The ART would review materials in Area I Teaching Effectiveness and/or Area 3 Community Service for advancement to **Associate Professor of Practice/Instructional/Clinical Faculty** and **Full Professor of Practice/Instructional/Clinical Faculty** as described in the Faculty Handbook for tenure and tenure track faculty.

As stated in Chapter 8 of the Faculty Handbook, the Board of Trustees on January 28, 1971 affirmed its acceptance of the 1940 *Statement on Academic Freedom and Tenure*, adopted by the American Association of University Professors. **The statement on Academic Freedom and Tenure applies to all faculty at Merrimack College, including all categories of non-tenure track faculty.**

5.4 Academic Ranks and Titles of the Tenured and Tenure-Track Faculty

The ranks of the active full-time tenured and tenure-track faculty and their order in ranks will be Professor, Associate Professor, and Assistant Professor.

5.4.1 Assistant Professor

The rank of Assistant Professor is reserved normally for the entry rank for appointment to the Faculty of individuals who hold the Ph.D. degree or other appropriate terminal degree in the field of their primary teaching responsibilities.

5.4.2 Associate Professor

The rank of Associate Professor is reserved for those having at least four years of college teaching experience at the rank of Assistant Professor, and, for advancement to this rank, at least three of these years of teaching experience at Merrimack College.

The normal requirements for entry as an Associate Professor or for advancement to the rank of Associate Professor without tenure consideration also include demonstrated evidence of excellence and the promise of continued excellence in all three evaluative areas.

In the rare cases where a candidate for the rank of Associate Professor does not hold the appropriate terminal degree in her or his field of primary teaching responsibilities, the candidate must have demonstrated evidence of outstanding and continuous performance in all three evaluative areas as well as fulfill all the requirements of teaching experience of the stipulated period of years.

The recommendation by the Appointment, Rank, and Tenure Committee of an Assistant Professor for tenure, in and of itself, constitutes its recommendation for promotion to the rank of Associate Professor.

5.4.3 Professor

The rank of Professor is reserved for those faculty members who, over their years as an Associate Professor (i.e. normally a minimum of three years), have continued to fulfill the promise that merited them the rank of Associate Professor, and where indicated by contract, tenure at the College.

Individuals to be promoted to the rank of Professor must demonstrate continuing excellence in teaching, scholarly activity and/or creative work, and service. A full Professor must have demonstrated a consistent level of excellence in the classroom. Such an individual should be considered by both peers and students to be an effective teacher. A candidate for advancement to the rank of Professor must have demonstrated continued professional growth as evidenced by research, advanced study, publications, and or other scholarly and/or creative, and other related professional achievements as judged meritorious by peers.

A candidate for the rank of Professor must have shown a sustained interest in the academic community and must have made significant contributions toward its betterment.

5.4.4 Administrative Officers with Academic Rank

Academic administrators of the College include the President, the Provost and Vice President for Academic Affairs, Vice Provosts, and the Deans and Associate Deans of the Schools. These positions normally are filled by individuals who hold faculty rank and status either at Merrimack College or at another institution. When individuals, who do not have faculty status at Merrimack College, are appointed to academic administrative positions, then before the individual is appointed to the administrative position, the individual must first seek faculty status at Merrimack following the procedures outlined in the *Faculty Handbook*.

When administrative officers are to be offered appointment to the Faculty at the rank of Assistant Professor, the approval of an academic department in which the administrative officer would hold such rank is required. When administrative officers are to be offered appointment to the Faculty at the rank of Associate Professor or Professor, the approval of a department and the Faculty Senate Appointment, Rank, and Tenure Committee are required.

5.4.5 Professor Emeritus/Emerita

Upon retirement, members of the Faculty holding tenure may apply for the rank of Professor Emeritus/Emerita. Such application shall consist of a letter of nomination from the individual professor's department and a concurring recommendation from the Dean of the school to the President. If the President decides against bestowing upon the retiring faculty member the rank of Professor Emeritus/Emerita, and the retiring faculty member requests an explanation, then the President will explain his/her reasons in writing to the retiring faculty member and the department.

5.5 Faculty Responsibilities

5.5.1 Teaching Load

A full-time faculty member normally teaches a total of 12 credit hours per week in three (3) four (4) credit courses over a fifteen (15) week semester each Fall and Spring term. Faculty members' teaching load are designed to allow faculty to be available to meet with students outside of regularly scheduled class times.

Merrimack tries to keep the teaching load at a level that permits the Faculty to devote considerable time outside of class to students and to scholarly or creative work. A minimum of three hours of office hours per week will be maintained. Office hours will be made known to the students on the individual class syllabus and will be posted outside the faculty member's office and in his/her Department office each term that they teach.

5.5.2 Reduction in Teaching Load

Reduction in teaching load (release time) may be provided under various programs and initiatives of the College. Release time is provided to faculty members to encourage and/or enable them to engage in a variety of scholarly and programmatic activities valued by the academic community at the College.

Release time is granted regularly to qualifying faculty who are chairing an academic department. Department chairs receive a minimum of a one-course reduction each term, but may receive more depending on institutional circumstances.

The President and President-Elect of the Faculty Senate receives teaching load reduction according to section Article IV, Section C, of the Faculty Senate By-Laws.

Faculty members of Merrimack College who are the primary editor of a recognized journal that publishes scholarly articles in her or his discipline may receive a one-course reduction per term. Each case will be decided on its merits by the relevant department and the Dean of the School. Routine needs for office space, supplies, and other needs are provided by the College as required and available.

5.5.3 Overloads

Merrimack College believes strongly in the need for its faculty members to attend to their primary responsibilities of teaching, conducting scholarly and academic activity and performing service to the community within the expected course load of 3 courses and 12 credit hours. Overloads are discouraged and should be approved only when the demands of the program and enrollment necessitate the course or section. An overload must be approved by the department Chair and the Dean of the School.

When faculty members teach overloads, they shall be compensated for the excess hours according to the adjunct salary schedule of the appropriate program. Faculty members shall have the option of accepting or not accepting an overload.

5.5.4 Advising

Individual faculty members provide curriculum advisement to students. Faculty advisors are responsible for discussing their advisees' programs of study with them, and for providing counsel and advice to students considering or actually majoring in their academic field, paying attention to the guidelines published annually in the *Catalog*. In the spirit of retention, if a student is in academic difficulty, faculty may also have students consult with the Academic

Success Center to address ways to correcting their academic difficulty. A number of academic support services are available through the Academic Success Center.

Normally all faculty members, except first-year faculty, have the responsibility for advising students majoring in their departments about general curricular matters, matters related to the major and senior honors work.

5.5.5 Syllabi

All faculty are expected to provide each student in each class with a written syllabus containing descriptions of the materials to be covered, the texts to be used, the expectations to be followed, including but not limited to, requirements, papers, examinations, projects, due dates, and any classroom or institutional policies to be followed. Each semester, copies of syllabi should be submitted to the department Chairperson who in turn shares them with the Dean of the School.

5.5.6 Classroom Attendance

The College's attendance policies are available in the undergraduate and graduate academic catalogs, respectively.

5.5.7 Final Examinations

At the end of the semester there will be a scheduled examination period. All instructors are expected to offer final examinations during the official examination period. Faculty members who intend to not hold a final examination must notify their department chair of that intention. An instructor may choose to:

- A. Hold an examination during a specific, scheduled session. Examinations to be given in this manner will be scheduled by the registrar as to room and time (single-session examination);
- B. Provide the student with a copy of the final examination before the beginning of the examination period, to be taken at any time during the examination period according to the procedure outlined by the instructor ("take-home examination");
- C. Hold no final examination. **In situations where no final examination is held, the faculty member is responsible for the appropriate use of the scheduled class time.**

Examinations in all courses must be completed by 5 p.m. on the last day of the examination period. Each student shall be responsible for completing his or her examinations and returning them in the manner prescribed within the designated time periods.

Faculty members will submit their grades to the registrar by the agreed date.

A student who is prevented by illness or other serious circumstances from completing a final examination within the examination period may be granted the privilege of a special examination by the instructor, who will arrange the date of the examination with the instructor.

A student without a legitimate and documented reason for missing the final examination and who fails to take a final examination shall receive a grade of "F" on the examination.

5.5.8 Outside Employment

No faculty member shall be employed in any occupation which interferes with the thorough and efficient performance of the responsibilities of his or her position, and any faculty member engaged in outside employment during the academic year must inform the Provost/VPAA.

5.5.9 Termination of Appointment by the Faculty Member

A faculty member may terminate his/her appointment effective at the end of an academic year, provide they give notice in writing at the earliest possible opportunity, but not later than May 15, or thirty days after receiving notification of the terms of his/her appointment for the coming year, whichever date occurs later. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

5.6 Sabbatical, Leave, and Grant Policies

5.6.1 Purpose, Stipend, and Recipient's Obligations

The Merrimack College Sabbatical Leave program makes available to faculty members opportunities to pursue scholarly and professional activities related to their development as teachers and/or scholars. Sabbatical leave should be for substantial academic purpose. Remuneration during the leave shall be either full salary for one term or half salary for two semesters based on the sabbatical year's salary. Fringe benefits during the leave shall be continued in accordance with the terms of faculty contracts for the sabbatical leave year. The faculty member should intend to remain teaching at the College for at least two years immediately upon return from sabbatical.

5.6.2 Eligibility

To be eligible for a sabbatical leave a faculty member must:

- (a) Have served the College for a period of six years in a full-time teaching capacity. Service as a Chair of a department or program shall be considered as serving in a full-time teaching capacity for the purpose of sabbatical leave eligibility;
- (b) Hold tenure;
- (c) Not be within three years of retirement at the time of application;
- (d) Not have been the recipient of a sabbatical leave within the previous six years. If an eligible faculty member is unable to take a sabbatical leave at the normal sabbatical interval, but does take it within two years of the normal interval, eligibility for the next sabbatical leave will be calculated from the date the faculty member was originally eligible and not from when the sabbatical leave was actually taken;
- (e) Be in the proper order of seniority. Seniority is determined by the total number of semesters of full time teaching at the College during which the faculty member held

academic rank in a department and taught at least one course in a School In the case of a tie in the seniority ranking, the tie shall be broken by using the faculty members' ages with the eldest being given seniority. For the computation of the number of available slots for faculty sabbatical leave, the number will always be rounded up to the next whole number if the fraction is greater than or equal to .5 and rounded down otherwise.

5.6.3 Procedures

Sabbatical leaves are earned leaves. Academic administrative officers and the President should be guided by the judgments of the Faculty in reviewing, recommending, and determining sabbatical leaves. In the event of non-concurrence, reasons which are substantial and clearly explained in detail should be given to the appropriate departmental committee, to the Dean of the School, to the Provost and Vice President for Academic Affairs, to the President, and to the applicant by the appropriate administrative officer.

Any eligible faculty member who wishes to take a sabbatical leave shall indicate such in a letter of application to the department chair that shall be copied to the Dean of the School and the Provost and Vice President for Academic Affairs. In the letter of application, the faculty member should describe briefly (no more than 2 to 4 pages) the proposed sabbatical leave activities and explain how these activities are consonant with the principles governing sabbatical leaves. This letter must be received by the Department Chair no later than September 15 of the academic year prior to the requested sabbatical year.

The Department Chair and the other tenured faculty of the department in committee, exclusive of the faculty member seeking the sabbatical leave, shall evaluate the faculty member's sabbatical request and communicate this evaluation and recommendation in a *brief* (1 to 3 pages) letter to the faculty person, copied to the Dean of the School and the Provost and Vice President for Academic Affairs by October 15 of the academic year prior to the requested sabbatical year.

The Dean of the School shall communicate in writing his or her recommendation regarding the faculty member's sabbatical request, upon receipt of the departmental recommendation, to the faculty member, copied to the Departmental Review Committee and the Provost and Vice President for Academic Affairs by November 1 of the academic year prior to the requested sabbatical year.

The Provost and Vice President for Academic Affairs shall communicate in writing his/her recommendations on the sabbatical requests to the President, upon receipt of the Dean of the School's recommendation, by November 15 of the academic year prior to the requested sabbatical year. Copies of this recommendation shall be sent to the faculty person, appropriate departmental review committee, and Dean of the appropriate school.

The President shall notify the faculty member in writing of his approval or denial of the sabbatical request by November 20 of the academic year prior to the requested sabbatical year. Said notification shall be copied to the Departmental Review Committee, the Dean of the School, and the Provost and Vice President for Academic Affairs. This action shall constitute the final approval or denial of the sabbatical request.

5.6.4 Sabbatical Reports

The faculty member who has taken sabbatical leave shall provide a report to the Department Chair, copied to the Dean of the School and the Provost and Vice President for Academic Affairs, describing the sabbatical activities. Where circumstances dictated a change from the original approved proposal, the faculty member should clearly outline the circumstances and the rationale for the changed activities. Those completing a sabbatical after the Fall semester must provide their report by the end of the following Spring term. Those completing a sabbatical after the Spring semester must provide their report by the end of the following Fall semester.

5.7 Limitation on Government Contracts

The College cannot accept any individual government contract (not grants) exceeding \$50,000.00, but may accept any number of individual government contracts that are under \$50,000.00. The College may accept individual government grants in excess of \$50,000.00.

5.8 Leaves of Absence Without Pay

A leave of absence without pay, for a period not to exceed twenty-four consecutive calendar months, may be granted to full-time faculty.

The application for a leave of absence without pay **or an extension of a leave of absence without pay** must be submitted in writing to the Department Chair **by February 15 for a leave of absence starting in the following fall term or by September 15 for a leave of absence starting in the following spring term.** Upon approval by the department, the Chair will forward the request to the Dean of the School, and upon his/her concurrence, sent to the Provost and Vice President for Academic Affairs. Upon recommendation of the Provost and Vice President for Academic Affairs, the President will make the final decision on all faculty requests for leaves of absence without pay.

Merrimack Faculty members on a leave of absence without pay must inform their Department Chair, in writing, of their intent to return to the department by February 15 of the preceding academic year if returning in a fall term or by September 15 of the same academic year if returning in a spring term.¹⁵

Faculty members who receive leaves of absence without pay are responsible to make arrangements with the Office of Human Resources concerning benefit status. The Office of Human Resources should receive a copy of the letter detailing the reasons for the leave request. Faculty members on unpaid leaves of absence may continue to make contributions to the TIAA/CREF Retirement Plan on an individual, non-tax sheltered basis. The College will discontinue its contributions during a leave of absence without pay.

Faculty members on unpaid leaves of absence may be able continue to participate in the College's group medical insurance plan. Faculty members are responsible for making arrangements with the Office of Human Resources to pay their share, if any, of the premiums.

¹⁵ Motion 12-13-14: Passed on April 16, 2013

TIAA Group Life Insurance and TIAA Disability Insurance may be continued only if the approved leave of absence without pay meets the provisions stated in the College's insurance policies.

Tuition remission benefits will remain in effect during an approved leave of absence without pay.

5.9 Faculty Development Grants

5.9.1 Purpose

Eligible faculty may apply for Faculty Development Grants for projects to be undertaken in support of their professional development. The scope of work appropriate for a faculty development grant must lie within the applicant's field or in some other field that will contribute to the applicant's particular academic competencies. Faculty may propose to work jointly on a project but must submit individual applications to ensure individual grant accountability. Acceptable grant proposals would normally include the following categories:

- Category A. Faculty education, which would include, for example, course work, workshops, intended to update, retrain, or acquire knowledge of a field.
- Category B. Teaching improvement, which would include development of new teaching techniques; for example, audiovisual assisted instruction.
- Category C. Fine and applied arts projects and research and writing, which would involve proposals for preparing works for exhibition, performance, or publication, completing books or monographs, and continuing professional research.

Application for work done as part of a degree program shall be acceptable provided it qualifies under one of the above three categories.

5.9.2 Key Dates

- Solicitation of Proposals: December 1
- Proposal Deadline: February 1
- Proposal Review Process Completed: March 15
- Announcement of Awards: April 15
- Summary Report Deadline: November 1
- Progress Report Deadline*: December 1

*Only required by faculty that are submitting proposals to extend existing projects.

5.9.3 Grant Categories and Awards

There are two categories of grant application that will be considered by the Faculty Development Committee: academic year and summer. The Faculty Development Committee

shall periodically (annually) review the normal maximum grant amounts as to their comparative worth in light of such factors as inflation.

Regular Academic Year

The normal maximum allocation for individual faculty grants during the regular academic year (September 1 through May 31) is equivalent to an adjunct replacement salary for one course. Grants awarded during the academic year will be made primarily to support release-time from teaching responsibilities during the semester or year (up to two courses in a given semester or year). Non-release time grants can be made for fees and documented expenses up to \$3,500.

Summer Period

The normal maximum allocation for individual faculty grants during the summer period (June 1 through August 31) is \$3,500. Summer grants will be of two types. The first will provide support for fees and documented expenses. The other, a stipend or cash grant of \$3,500, will provide salary support for projects undertaken during the summer.

Additional specific details are provided within the application.

5.9.4 Eligibility and Participation Requirements

Full-time faculty in good standing with the Faculty Development Committee may apply for Faculty Development Grants. Failure to meet participation requirements will disqualify a faculty member from applying for a Faculty Development Grant in the next academic year. Participation requirements consist of submitting acceptable summary and/or progress reports as described below.

Summary Reports

At the conclusion of the particular grant period, each grantee is required to submit a summary report to the Faculty Development Committee regarding completion of the project being funded. This report shall provide evidence regarding the status of the funded project (e.g., transcripts for course work undertaken, manuscript acceptance) at the conclusion of the grant period. Additional evidence can be submitted as it becomes available.

Progress Reports (optional)

Grantees wishing to apply for a Faculty Development Grant in the summer period or regular academic year subsequent to their active grant must file a progress report prior to submission of a new proposal (see calendar above). Submitting a progress report in no way relieves the grantee of the responsibility of submitting a final summary report.

5.9.5 Proposal Preparation

The grant application should consist of the following components:

- a. Completed application form;
- b. A detailed description of the proposed project limited to three single-spaced typed pages;
- c. A letter of recommendation from one reference qualified to evaluate the applicant's discipline. The reference letter cannot come from a person currently serving on the Faculty Development Committee;
- d. A curriculum vitae that includes courses taught and a list of all previous faculty development grant awards.

The detailed description of the proposal should be written in clear, concise language. No particular form is prescribed for the description but it should cover the following points in some order:

- a. The current state of the project, i.e., whether it is just beginning or in progress, the progress to-date, stages yet to be completed, the plans for each stage, and how the part of the project to be done under the grant fits into the whole (if a course, e.g., its part in the applicant's overall academic plans);
- b. The specific project planned for the grant period, if applicable, the basic theses or queries to be explored, and the ways in which the project will be pursued under the grant;
- c. The relation of the proposed project to the applicant's immediate and long-range objectives.

For budget preparation, applicants should be guided by the following:

- a. Grants awarded during the academic year to support release-time from teaching responsibilities are not cash grants awarded to individuals but rather to departments to support the appointment of adjunct instructors.
- b. Clerical expenses will normally be considered for summer grants only and will be funded at the hourly rate indicated on the application form.
- c. Requests for travel and lodging (for research, coursework, conference attendance, etc.) should be described in detail and documented where possible.
- d. Documentation for tuition and fees for requested coursework must accompany the application.
- e. Requests for equipment should be made only after normal channels of acquisition have been exhausted. Equipment purchased under a Faculty Development Grant becomes the property of the College.
- f. Costs for routine materials and supplies, including costs for photo-copying, will normally be considered as assumed by the applicant's department and will not be funded.
- g. Other sources of funding for the particular project must be indicated.

A copy of the application can be found in Appendix D.

5.9.6 Proposal Submission, Processing, Review and Administrative Procedures

Applicant

Applicants should submit five (5) paper copies of completed and signed application forms and all supporting information to the Chair of the Faculty Development Committee. Copies of completed applications should also be sent to the department chair and the school dean. Incomplete applications will not be considered. It is the responsibility of the applicant to ensure that all materials are complete and submitted in one package. The Faculty Development Committee will have the discretion to determine whether an application meets all procedures and grant extensions where it deems appropriate.

It is essential that in cases where release-time is requested the applicant plan staffing replacements with the department chair. If the department chair is the applicant, such arrangements must be discussed with the appropriate department committee.

Committee Procedures

The Faculty Development Committee will contact the applicant if it has questions about a proposal. The function of the Committee will be to:

1. Review proposals for purpose of clarification;
2. Rank them by order of their individual merit (see criteria below); and
3. Recommend the awarding of grants according to this ranking.

Committee Criteria

Applications will be judged by the following criteria and the committee will not be bound by any system of departmental or school quotas or needs:

1. The quality and potential of the applicant's project;
2. The importance of the applicant's proposal to his/her own field;
3. The conception, definition, and organization of the proposal;
4. The likelihood of the work being completed.

Notification and Awards

Disqualifications for Procedural Reasons

Proposals that are not given full review due to a procedural disqualification (e.g., incomplete application, missed deadline, etc.) will be returned to the applicant with a reason as soon as such determination is made.

Award Notification

The Committee's recommendation will be forwarded to the Provost and Vice President for Academic Affairs for final approval. The Provost and Vice President for Academic Affairs will

notify the Committee within two weeks of receiving the Faculty Development Committee's recommendations of his approval. The Committee will then notify each applicant in writing regarding the grant award. Copy of this notification will be sent to Provost/VPAA, School Dean, and Department Chair. In the instance where an applicant is denied funding or is given only partial funding, the applicant may submit a request for reasons to the chair of the Faculty Development Grant Committee.

It will be the responsibility of the Faculty Development Committee in consultation with the Provost/VPAA to publish for the entire Faculty a list of awardees and their projects after all applicants have been notified of the results. This list shall include the total monies awarded to each applicant along with the project titles from the application. This list should appear no later than one month following receipt of the Faculty Development Committee recommendations.

As in other matters where the Faculty have primary responsibility, except in extraordinary circumstances and for compelling reasons explained in detail in writing, the Provost/VPAA will be guided by the judgments of the Faculty Development Committee in awarding funds for faculty development.

Summary and Progress Reports

The Chair of the Faculty Development Grant Committee shall notify all faculty grant recipients of the deadlines for Progress Reports and Summary Reports at least one month prior to the report deadlines.

Awardees should submit five (5) paper copies of their Summary Report or Progress Report to the Chair of the Faculty Development Committee by the required deadline.

The Faculty Development Committee will read and analyze the summary and progress reports and meet to decide whether to accept the reports. The Chair of the Faculty Development Committee will notify each faculty member in question and the Provost/VPAA. If a summary report is deemed not acceptable, it will be returned to the faculty member for re-submission. Revisions and feedback should normally be processed within a four-week period.

The Faculty Development Committee shall report to the Faculty Senate each year a list of faculty members whose summary (or progress) reports have been accepted by the Faculty Development Committee.

5.10 Faculty Support

The College provides an office, secretarial services, travel monies, materials and equipment in support of the Faculty's activities.

The College provides office space and furnishings for each full time faculty member. The College provides secretarial support for the faculty member's activities in teaching, advising students, and college governance. The aforementioned activities and departmental functions have priority. Secretarial support for an individual faculty member's professional work is available as time and resources allow.

5.11 Drug/Alcohol Prevention Policy

Merrimack College prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by individuals on its property or as part of any of its activities.

5.11.1 Effects of Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

5.11.2 Counseling, Treatment or Rehabilitation Programs

The College has an Employee Assistance Program (EAP) available to employees at no cost who are scheduled to work 35 hours or more per week. The EAP program provides confidential resources and referrals for issues regarding alcoholism or drug dependency. Individuals who develop alcoholism or drug dependency can be helped to recover, and the College is committed to help individuals overcome the problem. Because drug and alcohol abuse are considered treatable illnesses, individuals whose job performance becomes sub-standard are expected to seek appropriate treatment.

The established disciplinary procedures will be invoked for the unlawful possession, use or distribution of illicit drugs and alcohol by individuals on College property or as part of any of its activities.

Chapter 6: Faculty Salary and Benefits

6.1 Salary Information

6.1.1 Salary

Following promotion to the rank of Associate Professor or Professor, the faculty member shall receive the base salary. Base salary is defined as the current minimum salary as determined by the college-wide equity standard (for example \$70K for Associate Professor and \$90K for (Full) Professor).

If a faculty member were hired at a salary higher than the base salary as defined by the minimum equity standard, the Provost, the Dean and the Department will consult to establish the promotion salary adjustment.¹⁶

The Faculty Senate passed on May 16, 2013 and the President approved a new salary program that also addresses salary compression.¹⁷

All Assistant Professors' salaries be raised by \$2,000 and that the minimum salary for all Assistant Professors hired for Academic Year 2014-2015 be raised to \$60,000 from the previous rank minimum of \$58,000.¹⁸

Yearly Salary Increase and Phase 2 of Salary Decompression.¹⁹

Minimum salaries for all current and newly hired tenured and tenure-track faculty for the Academic Year 2015-2016 were raised to \$63,000 for Assistant Professors, \$74,000 for Associate Professors, and \$94,000 for Full Professors. This motion does not apply to any other faculty member, including full-time or part-time non-tenure track, term, limited contract, or adjunct faculty positions regardless of title or current responsibility.²⁰

The salaries of all full-time tenured, tenure-track, and term faculty during the Academic Year 2016-2017 were raised by two percent (2%). In addition, all full-time, tenured and tenure-track faculty will receive a one and a half percent (1.5%) increase based on academic rank and years of service in rank. This motion does not apply to any part-time faculty member, including non-tenure-track, term, limited contract, or adjunct faculty positions regardless of title or current responsibility.²¹

For Academic Year 2018-2019, minimum salaries were raised to \$65,000 for full-time non-tenure-track faculty, \$68,000 for Assistant Professors, \$80,000 for Associate Professors, and \$100,000 for Professors.²²

¹⁶ Motion 12-13-08: Passed on December 4, 2012

¹⁷ Motion 12-13-13: Passed on May 16, 2013

¹⁸ Motion 13-14-17: Passed on May 15, 2014

¹⁹ Motion 13-14-18: Passed on May 15, 2014

²⁰ Motion 14-15-28: Passed on May 19, 2015

²¹ Motion 15-16-10: Passed on May 19, 2016

²² Motion 17-18-13B: Passed on May 15, 2018

6.1.2 Pay Dates

The College pays salary twice a month, on the 15th and the last day of the month.

Faculty members may log on to ADP to change their mailing address or may inform Payroll or the Human Resources Office in writing of such changes.

6.1.3 Payment Schedules and Direct Deposit

Faculty on a ten-month contract may elect to be paid on ten or twelve month schedules.

Faculty may also elect to have the College send their net pay every payday directly to an account at any US bank. A complete notice of gross pay, withholdings and net pay for each payday will be provided each payday or faculty may elect to stop paper statements by logging in to ADP and electing this feature. Faculty can contact Payroll Services for more information on this service.

6.1.4 Summer, Evening, and Cooperative Education Salaries

A faculty member who teaches courses in the summer or evening program will receive the currently applicable amount for each course, as specified in his or her contract for those courses.

6.2 Benefits

Merrimack College is committed to attracting top faculty talent and rewarding employees competitively. The Office of Human Resources recognizes that benefits are a significant part of your total compensation package as an employee of Merrimack College. Information about the current benefit offerings may be found on the MyMack page the annual “Merrimack Employee Benefits Guide” of the office of Human Resources or by contacting the office directly.

The only benefit for faculty that is different from administrative and staff employees is short and long term disability.

6.2.1 Health Insurance

Please refer to the annual “Merrimack Employee Benefits Guide” found on the MyMack page of the office of Human Resources.

6.2.2 Flexible Spending Accounts

Please refer to the annual “Merrimack Employee Benefits Guide” found on the MyMack page of the office of Human Resources.

6.2.3 Sick Leave (Short Term Disability)

Since the professional responsibilities of faculty members are related to the semestral character of teaching, the question of sick leave (short term disability) for faculty arises when illness or disability would prevent faculty members from carrying out their teaching responsibilities for a substantial portion of a semester.

The College’s practice regarding sick leave has been to continue a faculty member at full salary for the semester, while the faculty member’s classes are covered either by his or her department or, if necessary, by hiring a temporary replacement for the remainder of the semester.

Tenured faculty members on sick leave continue to receive their normal salary for six months, when group total disability insurance benefits become available. For *untentured faculty* members on sick leave, the College’s practice has been to continue their normal salary as follows: in full through the first semester of sick leave and in part (minus the cost of adjunct replacement faculty) for the remainder of the six months before group total disability insurance benefits become available. In some instances, for the purpose of calculating pro-rated pay, the fall and spring semesters are weighted equally.

6.2.4 Parental Leave

Since the professional responsibilities of faculty members are related to the semestral character of teaching, the question of parental leave for faculty arises when pregnancy or imminent/new parenthood would prevent faculty members from carrying out their teaching responsibilities for a substantial portion of a semester.

The College’s practice regarding parental leave has been to continue a faculty member at full salary for the semester when the baby is due, while the faculty member’s classes are covered either by their department or, if necessary, by hiring a temporary replacement for the remainder of the semester. The faculty member may be assigned to a non-classroom academic project(s) during the semester when the baby is due.

The faculty member is guaranteed the same or a similar teaching position upon return.

6.2.5 Long Term Disability Program

Please refer to the annual “Merrimack Employee Benefits Guide” found on the MyMack page of the office of Human Resources.

6.2.6 Worker's Compensation

Worker's Compensation constitutes a system of monetary payments, medical care, and rehabilitation for faculty members receiving injuries arising out of and in the course of their employment, and for dependents of an employee in case of death resulting from such injuries.

Report such injuries to the College so that the Work Related Incident Report can be completed within 48 hours of the accident in order to comply with Massachusetts Law.

If the injury is minor, the faculty member should contact the Human Resources office to obtain the name and location of the appropriate urgent care facility to be used.

If the injury is serious and requires a doctor, an ambulance, or emergency first aid, then Campus Police or 911 should be called. Health providers, doctors, hospitals, etc. should be told that all bills associated with the work-related injury should be sent to the worker's compensation administrator.

Whenever an accident involves damage to College property or equipment, the accident should also be reported to the Office of the Vice President for Fiscal Affairs.

6.2.7 Social Security

All faculty members will have the social security tax (F.I.C.A. tax) deducted from their paychecks as designated by federal regulations. The social security tax and the College's contribution are deposited to the credit of the faculty member with the Federal Government according to federal regulations.

6.2.8 Life Insurance Plans

Please refer to the annual "Merrimack Employee Benefits Guide" found on the MyMack page of the office of Human Resources.

6.2.9 Retirement Programs

The College conforms to federal and state legislation pertaining to retirement practices. There are no government laws that mandate retirement at any age.

Please refer to the annual "Merrimack Employee Benefits Guide" found on the MyMack page of the office of Human Resources.

6.3 Education Benefits for Faculty Members and Families

All full-time faculty members are eligible for education benefits for themselves, their spouses, and their children. Faculty members may attend courses tuition free. Spouses and children of full-time faculty members are eligible for tuition remission on the following basis:

- a. During the first year of service, the amount of tuition remission is 25%.

b. Upon completion of one year of service and through the third year of service, tuition remission is 50%.

c. Upon completion of three years of service, tuition remission is 100%.

The student is responsible for all other fees and charges.

The spouses and children of a deceased full-time faculty member are entitled to these same educational benefits, provided that the faculty member completed 10 years of full-time service at the College and died while holding a position at the College.

Other tuition remission scholarships may be available to children of Merrimack employees through the Tuition Exchange program. *[The College no longer participates in the Council of Independent Colleges scholarship program.]* Information about tuition exchange and scholarship opportunities may be obtained by contacting the Tuition Exchange Liaison Officer in the President's Office.

Dependents must utilize the tuition remission benefit no later than the end of the semester in which their 25th birthday falls.

6.4 Academic Regalia

The Office of the Provost will provide faculty members with the appropriate academic regalia for those College functions where such attire is necessary.

Chapter 7: Faculty Constitution, Senate and Governance: Organization and Responsibilities

7.1 Faculty Senate

The Merrimack College Faculty Senate was organized in 1969 as the major vehicle for the participation of the Faculty in college governance. *The By-Laws of the Merrimack College Faculty Senate* were adopted in October 1969. The Board of Trustees accepted and approved the *Constitution of the Merrimack College Faculty Senate* in February 1970.

7.2 Constitution of the Merrimack College Faculty Senate

[Adopted October 7, 1969. Further amended on December 2, 1969 and December 9, 1969. Accepted and approved by the Board of Trustees, February 12, 1970. Further amended on April 23, 1974; March 8, 1994; and November 7, 2017.]

ARTICLE I

The name of this body shall be “The Merrimack College Faculty Senate.”

ARTICLE II

Scope, Responsibility and Goals of Faculty

Section 1. The Faculty of Merrimack College has primary, but not exclusive, responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, admission standards, and the academic aspects of student life.

Section 2. The Faculty sets the requirements for the degrees offered in course, determines when the requirements have been met, and certifies to the President and Board of Trustees those candidates who are eligible for degrees.

Section 3. Faculty status and related matters are primarily, but not exclusively, a faculty responsibility. This area includes recommendations for appointment, reappointments, decisions not to reappoint, promotions, granting of tenure, and dismissal.

Section 4. In areas where faculty has a primary responsibility, decisions reached by the Senate and properly conveyed to the President of Merrimack College, shall become effective upon concurrence of the President. In the event the President does not concur, he or she will forward to the Senate the reasons for his or her non-concurrence within sixty (60) days. This period may be extended by the mutual agreement of the President and the Senate.

Section 5. The Faculty should actively participate in the determination of policies and procedures governing salary increases.

Section 6. Agencies for faculty participation in the government of the College should be established at each level where faculty responsibility is present. Through its representatives the Faculty should have direct access to students, administration, and Board of Trustees.

ARTICLE III

Membership in this body shall consist of all members having faculty status as defined by the By-Laws.

ARTICLE IV

Officers

Section 1. Titles. The officers of this body shall be a President, a President-Elect, a Secretary, and a Treasurer. The Treasurer of the Faculty Senate shall serve as secretary of the Executive Committee.

Section 2. Election and Tenure. Officers shall be elected in accordance with the provisions in the By-Laws.

Section 3. Eligibility. Any member of the Senate shall be eligible for Office.

Section 4. Vacancies of Office. If any office except Faculty Senate President shall become vacant, the Faculty Senate President shall, at the earliest possible date thereafter, order a special election for the purpose of filling such office. The member thus elected shall immediately enter upon his or her duties and shall hold office until the next regular election. If the Faculty Senate Presidency shall become vacant, then the Faculty Senate President-Elect shall become Faculty Senate President and order a special election to fill the position of Faculty Senate President-Elect. If both Faculty Senate President and Faculty Senate President-Elect positions become vacant, then the Executive Committee shall order a special election to fill both positions.

ARTICLE V

Meetings

Section 1. At least one regular meeting shall be held each semester from September to June, inclusive, the place and hour to be determined by the Executive Committee.

Section 2. Special meetings may be called by the President of the Senate, when after consulting other elected officers, he or she is convinced that there is need for a meeting. A special meeting shall be called by any officer upon the written demand of any fifteen members of the Senate.

ARTICLE VI

Amendments

Section 1. This constitution may be amended in the following manner:

- a. A proposed amendment must be accepted by a majority of those present and voting at two successive meetings.
- b. A written notice of the proposed amendment and the time and place of final vote must be sent to all members at least one week in advance of the final vote.
- c. The final vote on the proposed amendment must be accepted by a 2/3 vote of those present and voting and unless otherwise noted shall become effective immediately.

7.3 By-Laws of the Merrimack College Faculty Senate

[Amended and Adopted October 7, 1969. Further amended November 3, 1970; April 2, 1974; April 23, 1974; November 16, 1976; April 18, 1978; December 3, 1985; September 30, 1986; October 13, 1987; March 8, 1994; May 11, 1994; May 12, 1995; May 5, 1999; May 2, 2000; February 27, 2001; November 27 2001; May 7, 2002; December 10, 2002; March 30, 2004; October 19, 2004; March 15, 2005; April 24, 2007; October 23, 2007; February 24, 2009; November 16, 2010; May 24, 2011; March 20, 2018; November 27, 2018]

ARTICLE I

Meetings

Regular meetings shall be held within thirty (30) days after the beginning of each semester at a time determined by the Executive Committee.

ARTICLE II

Appointed Officers and Boards

The President shall appoint a Parliamentarian.

ARTICLE III

Parliamentary Authority

All meetings shall be conducted according to parliamentary law as set forth in the latest edition of Robert's Rules of Order. [See Appendix F: *Simplified Guidelines for Parliamentary Procedure*]

ARTICLE IV

Standing Committees

Section A. For the purposes of specifying committee composition, the four areas listed below are defined as follows:

1. The area of Business Administration is defined as the Departments of Accounting, Finance, Management, Marketing, and Sport Management.

2. The area of Humanities is defined as the Departments of English, Visual and Performing Arts, History, World Languages and Cultures, Philosophy, and Religious and Theological Studies.
3. The area of Science and Engineering is defined as the Departments of Biology, Health Sciences, Chemistry, Civil Engineering, Electrical Engineering, Mathematics, Computer Science, and Physics.
4. The area of Social Sciences is defined as the Departments of Communication Arts and Sciences, Economics, Education, Political Science, Psychology, and Sociology and Criminology.
5. Faculty with appointments in interdisciplinary programs or departments (e.g., Women's and Gender Studies) will select the area into which they best fit and inform the Nominations and Elections Committee at the time of nominations. Such faculty are expected to maintain a consistent area designation over time.

Section B. The Executive Committee and the elected members of all other standing committees of the faculty Senate are elected at the end of the Spring semester. Each committee shall elect its own chairperson.

Section C. The standing committees of the Faculty Senate are as follows:

1. Executive Committee

[Six Members (six voting), as follows: Six elected faculty members consisting of the President, President-elect, Secretary, Treasurer, and two at-large members, serving staggered two-year terms with the following provisions: the President-elect serves as President in the second year of his/her term, one designated member-at-large serves as Secretary in the second year of his/her term, and the Treasurer serves as an at-large member in the second year of his/her term. The President and President Elect of the Faculty Senate receive a stipend per annum for the term of service, in addition to the one course release the President already receives, according to this formula as of 2011: A. \$3500/semester or one course release; B. \$3000 for summer responsibilities.]

The Executive Committee is responsible for

- preparing and distributing the agenda for meetings of the Faculty Senate;
- making recommendations and motions regarding matters to be brought before the Faculty Senate;
- providing direction and oversight of all Faculty Senate committees, including committee charges;
- proposing *ad hoc* committees and instructing and advising them regarding their specific duties and duration;
- appointing faculty (to the extent authorized by the Faculty Senate) to serve as members of various appointive college and college-wide committees;

- receiving reports and meeting summaries from Faculty Senate committees and ensuring their availability to the faculty;
- determining whether committee reports and motions are ready to be brought to the Faculty Senate or should be returned to committee for further attention;
- determining whether to endorse, recommend rejection, or simply place on the agenda any committee reports and/or motions to be brought to the Faculty Senate for action;
- bringing committee reports and motions to the Faculty Senate for action;
- serving as an advisory committee for the President of the College on matters of college policy and items that the President and Executive Committee agree to discuss (its actions subject to approval by the Faculty Senate but not subject to prior approval in urgent matters requiring immediate consultation);
- meeting with the President regarding motion(s) passed by the Faculty Senate but rejected by the President to identify outstanding issues and determine whether the motion(s) can be revised to address and resolve these issues to the satisfaction of the President and the faculty;
- ensuring the accurate updating of the Faculty Handbook by the Faculty Handbook Committee;
- soliciting faculty input on issues of interest to the Merrimack College community;
- dealing with any other matters which may properly fall within its purview; and
- posting to the current Faculty Senate website copies of Faculty Senate minutes, agendas and supporting documents, and a listing of motions passed with their status regarding presidential approval.
- maintaining the *Faculty Handbook* as described in section I.2 Procedures for Maintaining the Faculty Handbook.

2. Nominations and Elections Committee

[Five Members as follows: Four elected faculty members, one from each of the four curricular areas of the college (business, humanities, social science, and science and engineering) serving two-year staggered terms, and one member of the Executive Committee selected by the Executive Committee, serving a one year term.]

The Nominations and Elections Committee is responsible for

- soliciting and receiving nominations for committees;
- running elections;
- keeping records on the elections and committee memberships;
- announcing election results and disseminating an annual list of the membership of Faculty Senate committees;
- updating, as necessary, an online list of all committees and their members in order to maintain a current and accurate list;
- finding replacements, if asked, for committee vacancies which includes standing Faculty Senate committees and ad hoc committees;
- dealing with any other matters which may properly fall within its purview; and

- providing a brief, written annual report to the Faculty Senate.

3. Appointment Rank and Tenure Committee

[Ten Members as follows: Nine elected faculty members and the Provost and Vice President for Academic Affairs. The nine elected faculty members shall include two from each of the four curricular areas of the college (business, humanities, social science, and science and engineering) and one at-large member, serving staggered two-year terms. No more than five new members elected in any year. No member shall be allowed to serve for more than two consecutive terms.]

The Appointment, Rank and Tenure Committee is responsible for

- evaluating requests for rank or tenure and making recommendations based on their evaluations to the President;
- studying matters of policy on rank and tenure and making recommendations to the Faculty Senate;
- serving as the appeals committee in matters of appointment, reappointment, dismissal for cause, and faculty status;
- following faithfully all procedures and regulations pertinent to its duties, as set forth in the *Faculty Handbook*;
- preparing concise meeting summaries of the non-confidential portions of meetings and sending them to the Executive Committee;
- dealing with any other matters which may properly fall within its purview; and
- providing a brief, written annual report to the Faculty Senate.

4. Appeals

[Five Members as follows: Five elected tenured faculty members who hold the rank of Associate or Full Professor and who are not serving on or elected to the ART Committee for that same year, all serving one year terms. The Faculty shall elect these five members and five alternates through an election that includes all eligible faculty members. As finally constituted, the Committee should include one member from each of the four curricular areas (business, humanities, social science, and science and engineering) and one at-large member. At least four members must have prior service on the ART Committee. Membership on this committee and either the ART Committee or the appellant's area committee cannot be held simultaneously. Should any members be unable to serve for any reason their places shall be taken by the alternates.]

If an appeal is lodged, the function of this committee will be to determine whether adequate consideration was given by the ART Committee or the Area Committee in reaching a recommendation regarding a tenure or promotion case (or prior to a recommendation if an appeal alleging a specific procedural violation is presented to the Appeals Committee).

Procedures for the Appeals Committee appear in the *Faculty Handbook* in Chapter 8.

5. Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination

[Three Members as follows: Three tenured members of the faculty who hold the rank of Associate or Full Professor and who are not serving on or elected to the ART Committee for the same year. The Faculty shall elect these three members and three alternates through an election that includes all eligible faculty members. The three tenured faculty members receiving the highest number of votes, and conforming to the eligibility requirements shall serve as the Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination. Should any members be unable to serve for any reason their places shall be taken by the alternates. No faculty member who is otherwise eligible to serve on this committee and who seeks a promotion from Associate to Full Professor is eligible to serve on the Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination that would hear cases decided by the ART Committee from which this faculty member received consideration. Membership on this committee and either the ART Committee or the appellant's area committee cannot be held simultaneously. Members of this committee cannot be from the appellant's department nor can they serve simultaneously on the Faculty Hearing Committee.]

The Review Committee deals with appeals based upon an allegation of a violation of academic freedom or of college policies on discrimination during the reappointment or tenure process.

Procedures for the Review Committee appear in the *Faculty Handbook* in Chapter 8.

6. Faculty Hearing Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination

[Three Members as follows: Three tenured members of the faculty who hold the rank of Associate or Full Professor and who are not serving on or elected to the ART Committee or the Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination for the same year. The Faculty shall elect these three members and three alternates through an election that includes all eligible faculty members. Faculty elected to this committee will serve five-year terms. The three tenured faculty members receiving the highest number of votes, and conforming to the eligibility requirements shall serve as the Faculty Hearing Committee. Should any members be unable to serve for any reason their places shall be taken by the alternates. No faculty member who is otherwise eligible to serve on the Faculty Hearing Committee and who seeks a promotion from Associate to Full Professor is eligible to serve on the Faculty Hearing Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination that would hear cases decided by the ART Committee from which this faculty member received consideration. Membership on this committee and either the ART Committee or the appellant's area

committee cannot be held simultaneously. Members of this committee cannot be from the appellant's department nor can they serve simultaneously on the Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination.]

If an appeal is brought to the Hearing Committee from the Review Committee, then the committee acts as hearing committee in cases involving academic freedom and/or college policies on discrimination.

Procedures for the Hearing Committee appear in the *Faculty Handbook* in Chapter 8.

7. Grievance Committee

[Five Members as follows: Five elected tenured faculty members, at least two of whom shall be women or members of minority groups, all serving a one-year term.]

The Grievance committee is responsible for

- hearing grievance petitions pertaining to matters outside the purview of other established redress committees (whether standing or formed when needed) [Note that faculty status matters are outside the purview of the Grievance Committee and that the actions and/or decisions of Area Committees, ART, and any redress committee may not be grieved];
- evaluating faculty grievances using all necessary means including, but not limited to, conducting hearings, securing documents, and interviewing witnesses or other relevant interested persons having to do with the grievance;
- judging whether the grievance has merit and reporting its findings and any recommendations to the involved parties and the President;
- following faithfully all procedures and regulations pertinent to its duties, as set forth in the *Faculty Handbook*;
- dealing with any other matters which may properly fall within its purview; and
- providing a brief, written annual report to the Faculty Senate (limited to such non-confidential information as frequency of meetings and the number of cases received, acted upon, and still pending final committee action). [No meeting summaries are required of this committee.]

8. Budget, Salary & Benefits

[Five Members as follows: Five elected faculty members, one from each of the four curricular areas of the college (business, humanities, social science, and science and engineering) and one at-large member, serving two year terms from July 1 of the year elected until June 30 of the second year. Terms are staggered.]

The Budget, Salary & Benefits committee is responsible for

- determining and making recommendations regarding the conditions necessary to attract, retain, and support the highest quality faculty possible;
- examining and reporting on of the current salary conditions at Merrimack College and, in general, at other institutions of higher education;
- periodically reporting to the Faculty Senate recommendations and motions regarding improvements in salary;
- examining the benefits which are available to the faculty and periodically reporting to the Faculty Senate recommendations and motions regarding ways to improve such benefits;
- examining all issues related broadly to faculty welfare and working conditions, and periodically reporting to the Faculty Senate recommendations and motions regarding improvements;
- developing and reviewing, jointly with the college-wide Budget Committee, a set of salary and benefits objectives as well as a comprehensive faculty compensation plan;
- serving as a budget analysis resource for the faculty by analyzing the college-wide budget, to the extent possible, and reporting to the Faculty Senate regarding the budgetary priorities and issues indicated by that analysis;
- determining, to the extent possible, and reporting to the Faculty Senate the priority status of faculty salary and benefits as components of the college-wide budget;
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

9. Faculty Development

[Five Members as follows: Five elected faculty members, one from each of the four curricular areas of the college (business, humanities, social science and science and engineering) and one at-large member, all serving staggered two-year terms.]

The Faculty Development committee is responsible for

- soliciting applications for Faculty Development Grants in support of research, teaching and professional development according to the terms of the faculty development grant program;
- contacting applicants for the purpose of clarification if the committee has questions about a proposal;
- notifying applicants when proposals are not given full review for procedural reasons and returning such proposals with a reason as soon as such a determination is made;
- adhering to established and clearly articulated published criteria for ranking proposals by order of their individual merit and for recommending the awarding of grants according to this ranking;
- making recommendations to the Provost and Vice President for Academic Affairs regarding the awarding of grants;

- upon receiving the Provost and Vice President for Academic Affairs' approval of its recommendations, notifying each applicant in writing regarding the grant award and, in consultation with the Provost and Vice President for Academic Affairs, publishing a list of awards for the entire faculty;
- notifying all faculty grant recipients of the deadlines for progress and summary reports at least one month prior to the deadlines and following all procedures regarding the handling of such reports by the committee;
- reviewing application guidelines, criteria, and procedures and making recommendations to the Faculty Senate as needed;
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

10. Assessment Committee

[Seven Members and one designated Liaison, as follows: Six elected faculty members, one from each of the four curricular areas of the college (business, humanities, social science, and science and engineering) and one from the Winston School of Education and Social Policy, and one from School of Health Sciences serving staggered two-year terms; and a professional Librarian, serving two-year terms. Liaison: the College Assessment Officer.]

The Assessment Committee is responsible for

- developing and overseeing a college-wide assessment program of college-wide student learning outcomes;
- developing and overseeing an assessment program of the college's general education learning outcomes in collaboration with the General Education Committee;
- documenting, analyzing, and communicating to the college community the processes and results of the assessment programs previously listed;
- coordinating annual reports from departments and schools for accreditation requirements;
- serving as an advisory board to academic departments and programs as they develop and implement assessment plans;
- reviewing the assessment process and suggesting improvements to the Faculty Senate;
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

11. Academic Strategic Planning Committee

[Thirteen Members, as follows: Five elected faculty members, one each from the Schools of Business, Education and Social Policy, Liberal Arts, Health Sciences, and Science and Engineering), serving staggered two-year terms; one member of the Undergraduate Curriculum Committee selected by that committee; one member of the Graduate Curriculum Committee selected by that committee ; the Provost and Vice President for Academic Affairs; and the deans of the Schools of Business, Education and Social Policy, Liberal Arts, Health Sciences and Science and Engineering. Liaisons: a member of the Budget, Salary, and Benefits Committee; a member of the General Education Committee; a representative from Undergraduate Admissions; a representative from Graduate Admissions; and a representative from the Academic Success Center.]

The Academic Strategic Planning Committee is responsible for

- conducting environmental scans and gap analyses to determine the competitive position of the academic area and to identify promising strategic directions for exploration;
- developing a coherent and responsible academic strategic plan based on the strategic plans of the individual schools;
- assuring alignment of the schools' strategic plans with the academic strategic plan and alignment of the academic strategic plan with the College's strategic plan;
- reviewing and assessing the proposed strategic plans of individual schools in regard to such standard criteria as appropriateness to mission, practicality, impact on other areas of the College, and relationship to existing and/or evolving academic and College strategic plans;
- overseeing implementation of the academic strategic plan;
- dealing with any other matters which may properly fall within its purview
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

12. Undergraduate Curriculum Committee

[Eight Members and three designated Liaisons, as follows: Six elected faculty members, one from each of the four curricular areas of the college (business, humanities, social science, and science and engineering), two at-large members, serving staggered two-year terms; one representative from the General Education Committee chosen by that committee; and a professional Librarian serving a two-year term. Liaisons: the Registrar, the Provost and Vice President for Academic Affairs or his/her designee who is a member of the Faculty Senate, and an Instructional Technologist.]

The Undergraduate Curriculum Committee considers, among other criteria, the future direction, feasibility, and appropriateness of academic programs, initiatives, and proposals at the undergraduate level in performing its review and recommendation functions; the committee is responsible for

- receiving and reviewing copies of final reports from periodic undergraduate program reviews for the purpose of making any recommendations to the Faculty Senate and the Provost and Vice President for Academic Affairs that it deems necessary to improve the conduct of such reviews and the application of their findings for curricular development;
- reviewing and recommending approval or disapproval of all proposals for new undergraduate minors, majors, and other credit-bearing curricular programs and initiatives (deferring to departmental expertise in regard to judgments concerning disciplinary content);
- reviewing and recommending approval or disapproval of all proposals for adding or expanding and for deleting or discontinuing undergraduate minors, majors, and programs (deferring to departmental expertise in regard to judgments concerning disciplinary content);
- reviewing and certifying the complete and adequate completion of college forms documenting new undergraduate courses and/or substantive changes in existing undergraduate courses, including changes in course descriptions, level, prerequisites, learning outcomes, credits, etc. (deferring to departmental expertise in regard to judgments concerning disciplinary content);
- overseeing interdisciplinary programs and offerings, whether directly or indirectly through ad hoc committees reporting to it, to ensure
 - appropriate guidelines and standards for interdisciplinary programs and courses;
 - review and a recommendation for approval or disapproval of proposals for all new interdisciplinary programs and courses, based on whether they meet the college's criteria;
 - and periodic review and assessment of on-going interdisciplinary programs and courses in collaboration with the Assessment Committee;
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

13. General Education Committee

[Eight members and three designated Liaisons, as follows: Six elected faculty members, one from each of the four curricular areas of the college (business, humanities, social science, and science and engineering), and two at-large members, serving staggered two-year terms; and a professional Librarian serving a two-year term; and the Director of General Education Liaisons: the Registrar, the College Assessment

Officer, and the Provost and Vice President for Academic Affairs or his/her designee who is a member of the Faculty Senate.]²³

The General Education Committee is responsible for

- reviewing and making recommendations for the improvement and/or revision of the General Education program and its mission and/or vision;
- overseeing the General Education program to ensure
 - development and/or revision of standards for the proposal and approval of potential GenEd courses;
 - approval and certification of courses that can be used to satisfy General Education requirements;
 - implementation of an assessment plan for GenEd courses and/or the GenEd program in collaboration with the Assessment Committee;
 - ongoing oversight of the program and of adherence to program standards and requirements for GenEd courses;
 - development of additional implementation policies and procedures for the Gen Ed program, as needed; and
 - annual reporting on the activities of the GenEd program to the faculty and to the Provost/VPAA;
- overseeing experiential programs and offerings, whether directly or indirectly through ad hoc committees reporting to it, to ensure
 - establishment of a review process (including schedule, etc.) for the Study Abroad, Coop, and Service Learning programs;
 - establishment of processes to obtain timely feedback from participating students and from the directors of experiential programs and offerings;
 - review of these experiential programs and offerings for overall quality, safety, and educational integrity; and
 - annual reporting to the faculty on these experiential programs and offerings and on students' participation in these programs;
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

14. Admission Standards and Educational Policies

[Five Members and three designated Liaisons, as follows: Five elected faculty members, one from each of the four curricular areas of the college (business, humanities, social science, and science and engineering) and one faculty member at-large, serving staggered two-year terms. Liaisons: the secretary to the Academic Board, an Admissions representative, and the Registrar.]

²³ Motion 12-13-05: Passed on October 23, 2012

The Admission Standards and Educational Policies Committee is responsible for

- maintaining oversight of admission and graduation standards and also periodically reviewing and recommending revision (as necessary) of those standards;
- reviewing, assessing, and recommending revision (as necessary) of the full range of college-wide academic policies encompassing such areas as students' academic status, degree requirements, grade policies and grade reporting, examination policies, major/minor/program guidelines, and honors;
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

15. Library Resources Committee

[Six Members as follows: Five elected faculty members, one each from the Schools of Business, Education and Social Policy, Liberal Arts, Health Sciences and Science and Engineering and a professional Librarian; all serving staggered two-year terms.]

The Library Resources Committee is responsible for²⁴

- continually reviewing the library resource and library service needs of the College and planning for future developments and needs in these areas;
- advocating for the budgetary needs for acquisition and maintenance of all library resources and library services to support teaching, learning, and research;
- reviewing policies and soliciting feedback from the faculty regarding use of library resources and library services;
- initiating and sustaining programs to promote the integration of library resources into the teaching, learning and research activities of the College; serving as a communication conduit among the librarians, the Faculty Senate and the faculty
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

16. Technology Resources Committee

[Seven Members and two designated Liaisons, as follows: Six elected faculty members, one each from the Schools of Business, Education and Social Policy, Liberal Arts, Health Sciences, and Science and Engineering, and one at-large member, all serving staggered two-year terms; a professional Librarian serving a two-year term. Liaisons: the Director of Information Technology or his/her designee and the Vice President for Administration and Finance or his/her designee.]

²⁴ Motion 12-13-11; Passed on February 12, 2013

The Technology Resources Committee is responsible for

- continually reviewing the instructional resource needs and the information technology and service needs of the College and planning for future developments and needs in these areas;
- recommending budgetary priorities for acquisition and maintenance of all instructional resources and information technologies and services;
- recommending policies regarding use of instructional resources and information technologies and services;
- initiating and sustaining programs to promote the integration of information technology resources into all aspects of the work and life of the College;
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

17. Graduate Curriculum Committee

[Six Members and three designated Liaisons, as follows: Six elected faculty members, one each from the Schools of Business, Education and Social Policy, Liberal Arts, Health Sciences, and Science and Engineering, all serving staggered two-year terms; a professional Librarian serving two-year terms. Liaisons: the Registrar, the Provost and Vice President for Academic Affairs or representative, and an Instructional Technologist or representative from IT.]

The Graduate Curriculum Committee is responsible for considering, among other criteria, the future direction, feasibility, and appropriateness of academic programs, initiatives, and proposals at the graduate level in performing its review and recommendation functions:

- establishing and maintaining guidelines and a calendar for periodic graduate program review and ensuring that the reviews are carried out;
- receiving and reviewing program review reports and making recommendations to the Faculty Senate and the Provost and Vice President for Academic Affairs;
- reviewing and recommending approval or disapproval of all proposals for new graduate courses, programs, degrees, and other graduate-credit-bearing curricular initiatives;
- reviewing and recommending approval or disapproval of all proposals for adding or expanding and for deleting or discontinuing graduate courses, programs, and degrees;
- reviewing and recommending approval or disapproval of all proposals for substantively changing graduate course descriptions, level, pre-requisites, and learning outcomes;
- assisting departments and schools in the development of NEASC proposals for new graduate programs;

- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

18. Joint Faculty-Trustees Committee, Faculty Component

Committee Membership: The Joint Faculty-Trustees Committee consists of an equal number (four) of Faculty Senate members and members of the Board of Trustees with the trustee members being selected by the trustees. The Faculty Component of the Joint Faculty-Trustees Committee consists of:

- a. The President of the Faculty Senate or his or her designee;
- b. One other member of the Executive Committee selected by the Executive Committee;
- c. Two other members of the Faculty Senate elected at large.

Date of Election: The members of the Faculty Component of the Joint Faculty-Trustees Committee are elected at the same time as the officers of the Faculty Senate.

Term of Office: One year

Description and Detailed Charges:

19. Diversity, Equity, and Inclusion (DEI) Committee

The DEI committee shall be composed of six elected Members as follows: Five members, one each from the Schools of Business, Education and Social Policy, Liberal Arts, Health Sciences, and Science and Engineering, and one at-large member, serving staggered two-year terms; and a non-voting liaison from the Executive Committee, selected by the Executive Committee, serving a one-year term. Faculty from underrepresented²⁵ groups are strongly encouraged to serve on this committee. The Diversity, Equity & Inclusion Committee is responsible for:

- reviewing, recommending, and assisting Faculty Senate committees to include and fulfill charges related to diversity, equity, and inclusion (DEI);
- analyzing the curriculum and developing ways to center DEI;
- working with the Undergraduate Curriculum Committee and Graduate Curriculum Committee to identify ways to integrate goals related to DEI into the evaluation of new courses and programs;
- proposing guidelines and practices for recruiting, retaining and effectively supporting faculty from underrepresented groups;

²⁵ "Underrepresented" refers to members from historically marginalized groups, with respect to race, religion, gender, gender expression, sexual orientation, national origin, (dis)ability, and/or veterans, or other unprotected groups not heretofore mentioned.

- advising the Special Assistant to the President for DEI and other stakeholders on campus
- helping to support and implement DEI efforts in the college's strategic plan;
- working with IRB, Institutional Research and Legal Counsel to solicit feedback from students, student organizations, and academic support staff to discuss DEI concerns (understanding that any survey will be reviewed and approved by the IRB, Institutional Research and Legal Counsel prior to being distributed);
- preparing concise meeting summaries of meetings, and sending them to the executive committee; and,
- dealing with any other matters which may properly fall within its purview; and providing a brief, written annual report to the Faculty Senate.

ARTICLE V

Membership of the Faculty Senate

The membership of the Faculty Senate consists of:

- A. All persons who hold the rank of Assistant Professor, Associate Professor, or Professor at Merrimack College and who normally teach at least one course during the academic year;
- B. All professional librarians at Merrimack College, i.e., librarians who have earned a master's degree in library science; the Director of Sports Medicine, who holds a master's degree and licensure as an Athletic Trainer;
- C. The Provost and Dean of the College and the Faculty Deans *ex officio*;
- D. All full-time non-tenure track faculty at Merrimack College.

ARTICLE VI

Quorum

For any meeting of the Faculty Senate a quorum shall consist of one-third of the members. For the purposes of determining the number needed to constitute a quorum, members listed as being on "Leave of Absence" shall not be counted when calculating "one-third of the members" nor when counting for a particular quorum.

ARTICLE VII

Election of Officers

Officers shall be elected in the Spring semester of each academic year and shall take office following the last Faculty Senate meeting in the academic year in which they are elected. The method of nomination and election shall be determined by the Senate.

ARTICLE VIII

Amendments

By-Laws may be amended at any meeting by a majority of those present provided that notice was given at a previous meeting and in the call for the meeting.

7.4 Resolution of Rejected Motions

[November 27, 2001]

On those rare occasions when a motion or series of related motions is rejected by the President of the College, an *ad hoc* meeting is to be arranged between the Executive Committee and the President. If appropriate, the Executive Committee and the President may designate additional members with expertise on the motion(s) in question.

As with all Senate committee meetings, this meeting will be open to the community. In arranging the meeting, notice will be given to all members of the Executive Committee and the sponsoring committee.

The purpose of meeting is to determine what changes could make the proposed motion acceptable to the President, and determine whether those possible changes would be acceptable to the Faculty members in the meeting. If so, then the motion would be re-written accordingly and brought back to the Senate for approval.

In the interest of expediency, the meeting is to be arranged at the earliest opportunity. If the notice of rejection by the President of the College is received after the last Senate meeting of the academic year, then the resolution meeting will normally take place as early as possible in the Fall semester. If the matter is deemed to be of sufficient urgency, then, with the concurrence of the new Senate President, the outgoing Executive Committee may arrange the meeting before the end of June.

The Senate President will chair the meeting and will designate someone to take minutes.

7.5 Continuing Ad Hoc Committees of the Faculty Senate

1. Calendar Advisory Committee

[Four elected faculty members, one each from the Schools of Business, Education, Liberal Arts, and Science and Engineering, serving staggered two-year terms.]

The Calendar Advisory Committee is charged with

- working with the Registrar in the development of the academic calendar;
- ensuring that the college's calendar does not compromise the academic integrity of the institution;
- dealing with any other matters which may properly fall within its purview;

- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

2. Writing Intensive Course Committee

[Six Members, as follows: Four elected faculty members, one from each of the four curricular areas of the college (business, humanities, social science, and science and engineering), serving staggered two-year terms; an elected Librarian serving a two-year term; and the Director of the Writing Center.]

The Writing Intensive Course Committee is responsible for

- recruiting faculty to teach Writing Intensive courses;
- reviewing and approving proposals for WI courses in accordance with established standards;
- maintaining, and periodically transmitting to the Registrar, a list of approved WI courses;
- devising and implementing an assessment plan for WI courses in collaboration with the Assessment Committee;
- proposing and implementing faculty development workshops in support of faculty members currently teaching WI courses and/or those interested in proposing new WI courses;
- reviewing and (as necessary) recommending revision of the standards for WI courses;
- reporting on the activities of the WIC program annually to the faculty and to the Provost/VPAA;
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

The Writing Intensive Committee will consider, on a case-by case basis, petitions from host academic units (e.g., schools, departments, programs) to override a cap in a Writing Intensive (WI) course by one or two students for a given course in a given semester. Overrides will only be authorized in extraordinary circumstances (e.g., an additional seat needed in a required course that will not be offered again in time for students to fulfill the requirement). The extraordinary circumstances will be determined by the Writing Intensive Committee in consultation with the affected academic unit. The Registrar's Office will allow an override only when authorized by the Writing Intensive Committee.²⁶

3. Honors Program Committee

²⁶ Motion-12-13-07: Passed on November 13, 2012

[Five Members and four designated Liaisons, as follows: Four elected faculty members, one from each of the four curricular areas of the college (business, humanities, social science, and science and engineering), serving staggered two-year terms; and the Director of the Honors Program. Liaisons: four honors students recruited by the committee to serve as non-voting liaison members.]

The Honors Program Committee is responsible for

- soliciting and reviewing applications from faculty members for the position of director of the honors program and making recommendations to the Provost/VPAA regarding appointment and/or reappointment of the director;
- periodically reviewing the performance of the HP director;
- developing and revising standards and procedures for student entry into the honors program;
- recruiting four honors students (at least one from each participating curricular area) to serve as the student HP Committee and as liaison with the faculty HPC;
- recruiting faculty to teach in the honors program;
- developing and revising standards for the proposal and approval of potential honors courses;
- devising and implementing an assessment plan for honors courses and the honors program in collaboration with the Assessment Committee;
- working in collaboration with the HP director to develop, review and (as necessary) revise, and implement the honors program' mission and vision;
- providing ongoing oversight of the honors program's administration, its curriculum, and its co-curriculum;
- developing additional implementation policies and procedures for the program, as needed;
- reporting on the activities and success of the HPC annually to the faculty and to the Provost/VPAA;
- dealing with any other matters which may properly fall within its purview;
- preparing concise meeting summaries of meetings and sending them to the Executive Committee; and
- providing a brief, written annual report to the Faculty Senate.

7.6 Committees with Faculty Membership Provided by the Faculty Senate

Honorary Degree Committee: three faculty members.

Student Conduct Board: four faculty members.

Study Abroad Committee: six faculty members.

College-Wide Budget Committee: three faculty members.

BOT Faculty & Academic Affairs Committee: two faculty members.

BOT Enrollment Management Committee: two faculty members.

BOT Mission Effectiveness Committee: one faculty member.

BOT Planning Committee: two faculty members.

Mission/Vision Council: four faculty members.

Orientation Committee: four faculty members.

7.7 College-wide Policy Review

[November 26, 1996]

The following process is designed to permit the Senate to act in a timely way on college-wide policies in which the Faculty have an interest and contribution to make, but not a primary responsibility or major interest. Ordinarily, these policies tend to get pushed to the back burner, so to ensure that the faculty voice is heard and that the policies can be developed and implemented in a timely way, the Senate should seek some manner other than the Senate assembly to express its views. In so doing, the Senate must maintain its capacity to speak as a body and to activate the assembly where necessary to do so effectively.

1. When college-wide policies are presented to the Senate for review, the Executive Committee shall make a determination as to whether the policy falls in an area of primary faculty responsibility or interest. Matters so designated would be processed through the normal Senate committee and assembly channels. Those matters not designated as primary responsibility or interest will follow the process outlined below, and the Executive Committee shall inform Senate members promptly when these procedures will be followed.
2. For college-wide policies that are not matters of primary faculty responsibility or interest, the Faculty Senate representatives to the college-wide Council (CWC), who are ordinarily involved in considering such matters, will be responsible to develop a provisional faculty response to the policy proposal.
3. The CWC representatives will ensure that members of the Faculty are informed about the policies and have a chance to express their views on the policy proposal in a manner best suited to fully inform them of the Faculty's views.
4. If, on the basis of these consultations, the CWC representatives find a policy proposal reasonable and have no objection to it, they would give provisional concurrence on behalf of the Senate, that being sufficient from the faculty point of view to implement the policy. It is understood that policies can be implemented with the provisional consent of the Senate in this manner and that modifications in the policy will be considered on the basis of any full Senate review and recommended changes.
5. If the CWC representatives find reason to dissent from the proposed policy, they should seek appropriate revisions in college-wide forums or with the policy's formulator(s) until it is found suitable and worthy of concurrence. If they are unsuccessful in revising

the policy to their satisfaction, the CWC representatives may formally withhold Senate concurrence, giving the reasons for their action.

6. The CWC representatives will report to the Faculty Senate, through the Executive Committee, regarding any provisional concurrences or non-concurrences they have given on specific policies. If the Senate Executive Committee or twenty senators (by petition) believe that there are issues of sufficient concern that would lead them to question the action of the CWC representatives, they may reopen the case for discussion by the full Senate assembly. In the event a policy proposal is reopened, the Senate will inform the President of the College of any proposed changes in faculty position as soon as possible.
7. If no Senate opposition is forthcoming after the first Senate meeting following notification of provisional concurrence or non-concurrence (provided a minimum of three weeks' notification had been given), provisional concurrence would constitute full concurrence.
8. It is understood that any college-wide policy may be reviewed or reconsidered at any time based upon experience with the policy.

Chapter 8: Academic Freedom, Tenure, Promotion and Severance Policies and Procedures

The Board of Trustees on January 28, 1971 affirmed its acceptance of the 1940 *Statement on Academic Freedom and Tenure*, adopted by the American Association of University Professors.

These regulations are designed to enable Merrimack College to protect academic freedom and tenure and to ensure academic due process. The principles implicit in these regulations are for the benefit of all who are involved with or are affected by the policies and programs of the College. A college or university is a marketplace of ideas, and it cannot fulfill its purposes of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. In the words of the United States Supreme Court, “Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.”

8.1 Tenure Philosophy

Merrimack College, as an institution of higher education, is conducted for the common good and not to further the interest of either the individual faculty member or the institution as a whole. The common good depends upon the free search for truth and its free exposition. As the Supreme Court said in *Keyishian v. Board of Regents* 385 U.S. 589 (1967), “Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”

Academic freedom is essential to the free search for truth and its free exposition and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends, specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of Merrimack College in fulfilling its obligations to its students and to society.

The philosophy that serves as the foundation for the tenure process at Merrimack College should be proactive in support of the probationary faculty member. That is to say, the process should provide every opportunity for the faculty member to be successful through a program that emphasizes mentoring, clear and consistent evaluation, and appropriate and reasonable resources to support the needs for professional development.

8.2 Academic Freedom

Merrimack faculty are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; however, research for pecuniary return should be based upon an understanding with the authorities of the institution.

Merrimack faculty are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter that has no relation to their subject. The intent of this statement is not to discourage what is “controversial.” Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The statement serves to underscore the need for teachers to avoid persistently intruding material that has no relation to their subject.

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

8.3 Renewal and Nonrenewal of Probationary Faculty

Except for special appointments clearly designated at the outset as involving only a limited term at the institution, all full-time faculty appointments are either with continuous tenure or probationary for tenure.

8.3.1 Probationary Status

Probationary faculty members are full-time faculty eligible for tenure consideration. During the probationary period, probationary faculty members have the academic freedom that all other members of the Faculty have. A probationary faculty member is entitled to be advised at the time of initial appointment of the substantive standards and procedures generally employed in decisions affecting renewal and tenure, of any special standards adopted by the faculty member's department, and of the time when decisions affecting renewal or tenure are ordinarily made. The faculty member is assigned, at the time of initial appointment, an advisor from the tenured faculty members from a different department of the College to advise and assist with the review process during the seven-year probationary period. The faculty member is also entitled to the opportunity to submit material they believe will be helpful to an adequate consideration of his/her circumstances in decisions affecting renewal or tenure, written notice of such decisions when initially reached, written notice of non-reappointment and an opportunity for review by the appropriate faculty bodies if they allege that a decision against renewal was based on inadequate or improper consideration.

8.3.2 Annual Departmental Evaluations

An annual written evaluation of every full-time non-tenured faculty member is required. This evaluation provides the basis for a recommendation for contract renewal for the following academic year.

The one exception is as follows: the annual departmental evaluation is not required if the faculty member is being evaluated for tenure and/or promotion by an area committee during that academic year. The Area Committee report will replace the annual departmental evaluation for that year.

In addition to initiating the annual process of contract recommendation, these evaluations provide a significant source of mentoring for untenured faculty and, as a cumulative record of performance, constitute a significant part of the evidence considered by the evaluative bodies in cases of tenure and/or promotion. The required evaluative areas in these evaluations flow from the Appointment, Rank, and Tenure (ART) criteria.

Full-time untenured faculty members will be evaluated annually by the tenured members of their department. If a department has only one tenured member, the Dean may, after consultation with the department, appoint another tenured member of the College Faculty from a related discipline to participate in the evaluation.

The untenured faculty member being evaluated and the evaluators (usually the tenured members of a department) share the responsibility for gathering evidence that bears on teaching effectiveness, professional achievement and participation in the academic community. The untenured faculty to be evaluated will be invited by the evaluators to submit any evidence that is relevant to that person's performance and professional achievement. The materials include information on teaching effectiveness, professional achievement and community service.

The development of the evaluation will include consultation with the untenured faculty member by the Chair of the evaluation committee. These evaluations will assess the untenured faculty member in terms of the tenure criteria and provide specific performance goals and objectives for the coming year. These evaluations will be reviewed and approved by the Dean who will ensure procedural integrity and consistency.

The Chair of the evaluation committee shall convey the results of that evaluation, together with a contract recommendation, to the faculty member and discuss it with him/her. After the faculty member has had the opportunity to reply to the evaluation in a timely fashion, the Chair shall convey it to the appropriate School's Dean, who shall also discuss the evaluation with the candidate. The Dean will forward the evaluation to the Provost/VPAA.

For joint interdisciplinary faculty members see the Memorandum of Understanding (MOU) for specifics on committee composition, roles of Home Departments, Dean(s), and chairs/directors.

8.3.3 Third Year Evaluation

A formal evaluation of every untenured full-time faculty member will be conducted by the tenured members of the department and the Dean at the end of every faculty member's third year. This evaluation will be completed no later than March 1. The development of the formal evaluation will include consultation with the probationary faculty member by the Department Chair and the Dean. In addition to the evaluation of performance and the delineation of goals and objectives, this assessment will address specifically the faculty member's progress toward tenure consideration. This process provides a formal review at the mid-point of the probationary period. The role of the Dean is formal and ensures consistency and fairness throughout the School. If the Provost/VPAA finds procedural deficiencies in the evaluation process, then she/he will notify the Dean in writing of the reasons and request appropriate correction. The third year evaluation is not required if the faculty member is being evaluated for tenure and/or promotion by an Area Committee during that academic year. The Area Committee report will replace the third year evaluation.

Each probationary faculty member will create a professional development plan that delineates his/her goals and objectives towards tenure. The probationary faculty member will provide the professional development plan to the third year review committee. If a probationary faculty member applies for prior credit toward tenure, they will submit a professional development plan as part of that application, rather than as part of the third year review. If a probationary faculty member applies for prior credit after the third year review, they do not need to submit an additional professional development plan. The professional development plan will be forwarded to the Provost/VPAA with the successful application for credit or with the third year review, as appropriate.

For joint interdisciplinary faculty members see the Memorandum of Understanding (MOU) for specifics on committee composition, roles of Home Departments, Dean(s), and chairs/directors.

8.3.4 Notice of Renewal or Nonrenewal

Probationary faculty will be informed each year in writing of the status of their renewal of appointment by March 15.

A written notice that a probationary appointment is not to be renewed will be given to the probationary faculty member in advance of the expiration of the appointment, as follows: (1) not later than March 1 of the first academic year of service if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; (2) not later than December 15 of the second academic year of service if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination; (3) at least twelve months before the expiration of an appointment after two or more years of service at the institution. The institution will normally notify faculty members of the terms and conditions of their renewals by March 15.

In the event of a decision not to renew an appointment, the faculty member should be informed of the decision in writing, and, upon request, be advised of the reasons that contributed to that decision. The faculty member should also have the opportunity to request reconsideration by the department review committee or the third year review committee, whichever is appropriate.

When the faculty member alleges that the decision against renewal by the departmental review committee was based on inadequate consideration, the ART committee will serve as the Appeals Committee. This Committee's review of the faculty member's allegation will determine whether the decision was the result of inadequate consideration in terms of the relevant standards of the institution. The Appeals Committee will not substitute its judgment on the merits for that of the departmental review committee. If the Appeals Committee finds that adequate consideration was not given to the faculty member's qualifications, it will request reconsideration by the departmental review committee or third year review committee, indicating the respects in which it believes the consideration may have been inadequate. It will provide copies of its findings to the faculty member, the departmental review committee, and the Provost/VPAA.

When the faculty member alleges that the decision against renewal by the departmental review committee was based on improper consideration, the appeals process described under the topic of "**Appeals on the Basis of Improper Consideration**" will be followed.

8.3.5 Tenure's Probationary Period

Unless a newly hired faculty member receives credit (years of experience) towards tenure, the probationary period, including the year after a negative tenure decision, will last for seven years with tenure review by the ART Committee taking place in the Fall of the sixth year.

8.3.6 Minimum Years of Teaching for Tenure and/or Promotion

All probationary faculty members are required to teach full time at Merrimack College for a minimum of three years prior to petitioning the ART Committee for tenure. When tenure review by the ART Committee would take place in the Fall of a faculty member's fourth year, following Area Committee consideration the preceding Spring, evidence of teaching effectiveness from that Spring semester of the faculty member's third year must be considered by the Area Committee in arriving at its tenure recommendation and must be included among the materials submitted to the ART Committee. The maximum credit towards tenure for a new faculty member will be two years.

For probationary faculty seeking promotion to the rank of Associate Professor, a minimum of 4 years of teaching experience is required.

8.3.7 Tenure Upon Appointment

In cases of the appointment of full-time academic administrators with faculty rank and full-time faculty members who hold or have held tenure elsewhere or have achieved special prominence in their fields, tenure may be awarded at the time of appointment. Petitions for tenure on appointment will be considered by the appropriate department and the Appointment, Rank and Tenure Committee in accordance with College policy.

8.3.8 Tenure Recommendations

The Appointment, Rank and Tenure Committee will make recommendations to the President in the matter of granting or denying tenure. The ART Committee's recommendation of an Assistant Professor for tenure shall in and of itself constitute the ART Committee's recommendation of the candidate for promotion to the rank of Associate Professor.

8.3.9 Tenure Time Limits

Unless they have been awarded tenure on appointment, a Merrimack College faculty member shall be granted or denied tenure in writing by the administration as follows:

1. If the faculty member holds the rank of Assistant Professor, at the time of offering the contract for his or her seventh academic year's service at the College.

2. If the faculty member holds the rank of Associate Professor, at the time of offering the contract for his or her sixth academic year's service at the College.
3. If the faculty member holds the rank of Professor, at the time of offering the contract for his or her fifth academic year's service at the College.
4. Exceptions to the tenure rules involving an extension of a non-tenured appointment may be made with the recommendation of the Department, the Committee on Appointment, Rank and Tenure, and the Provost/VPAA. Extension of a non-tenured appointment may not exceed one year. Receipt of an extension would preclude the receipt of a one-year terminal contract following a negative tenure decision so that the total probationary period would still be seven years.

8.4 Rank and Tenure Policies and Procedures

The guidelines for tenure and promotion specify that the candidate must have achieved and will continue to maintain a degree of excellence in his or her teaching, scholarship, and commitment to the academic community as criteria for tenure and /or advancement in rank. It is the nature of these qualities, however, that they cannot be precisely measured. In fact, the attributes included in the Rank and Tenure criteria make clear that the decision is basically a judgmental one. These attributes involve more than clearly discernible external characteristics such as degrees attained and the number of publications. An interpretation must be given to such things as "outstanding teaching" and "teaching effectiveness."

The Rank and Tenure criteria clearly indicate that a high degree of positive attributes must be evidenced to achieve rank or tenure. The decision is concerned with an accumulation of positive reasons not with the discerning of negative reasons. In fact, it is accepted in the academic world that in the case of tenure, if there is reasonable doubt the person does possess the appropriate degree of attributes, then the person should be denied tenure. The fact that tenure is a privilege and not a right and that it represents an intense commitment on the part of the institution reinforce the necessity for strong positive reasons for granting it.

It is clear that the procedures adopted by the committee in making recommendations for rank and tenure must be consistent with the nature of the judgment to be made, must ensure that the faculty member be safeguarded from arbitrary and capricious treatment, and must also ensure that the Faculty of Merrimack College will individually and collectively attain excellence in academic pursuits.

8.4.1 Responsibilities of Departments and Schools

The department ordinarily initiates recommendations for rank and tenure. Recommendations can also originate with the individual faculty member or with the administration. An Area Committee (composed of all of the tenured members of the candidate's department, the Dean of the candidate's school, and at least one tenured faculty member from outside of the

department) must consider any request for tenure or for advancement in rank and forward its recommendations to the Appointment, Rank and Tenure Committee (ART). In all cases, it is the individual's responsibility to supply supporting data in writing.

It is the responsibility of each individual School to determine the method of evaluation best suited to its own situation. Each School's method of evaluation is subordinate to that of the College. Prior to the final adoption of the School's method of evaluation, a joint conference shall be held between representatives of the School and the members of the Appointment, Rank and Tenure Committee to ensure the adequacy of the School's method. Since it is the responsibility of the ART Committee to act on the evaluations submitted to it, that procedure must fulfill the needs of that Committee in considering individual candidates.

The Chair of the Area Committee shall forward to the Appointment, Rank and Tenure Committee the decision of the recommending body of the department with all pertinent information regarding the candidate: all material submitted to the department by the candidate and any additional department statement regarding educational background, teaching experience and effectiveness, scholarly achievement and professional development, and service to the academic community. Members of the recommending body may also submit a minority report.

The Chair of the Area Committee shall give to the individual faculty member the departmental recommendation and any minority reports. In the case of a divided recommendation (e.g., a 2-3 vote), the names and votes of the members of the recommending body shall not be disclosed. The Chair of the recommending body of the department shall remind the individual of his or her rights to submit additional material directly to the College Committee should the individual wish to do so.

For joint interdisciplinary faculty members see the Memorandum of Understanding (MOU) for specifics on committee composition, roles of Home Departments, Dean(s), and chairs/directors.

8.4.2 Relevant Dates for Tenure and Promotion Consideration

1. DATES FOR TENURE WITH PROMOTION OR PROMOTION ONLY TO ASSOCIATE PROFESSOR CONSIDERATION.

During the fifth year of service (when prior credit is awarded, the year prior to tenure decision)

October 1	Provost/VPAA identifies candidates for tenure
October 10	Department declaration of related departments sent to Dean
January 1	Tenure candidates declare intent to Provost/VPAA, Dean, and Department Chair. If the faculty member does not declare by January 1, a terminal contract will be issued.

Candidates not standing for tenure shall indicate in writing whether they are requesting postponement of consideration or are declining the opportunity to apply for tenure altogether.

Candidates for promotion only declare intent to Provost/VPAA, Dean, and Department Chair.

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|---|--|
| January 15 | Provost/VPAA notifies the Appointment, Rank, and Tenure Committee (ART) and Deans of candidates who will be applying for tenure with promotion or promotion only |
| January 30 | Deans convene area selection committees for tenure with promotion or promotion only candidates |
| February 15 | Deans inform Provost/VPAA of area committee composition for tenure with promotion or promotion only cases |
| March 1 | Tenure and promotion or promotion only candidates submit dossiers to Area Committee |
| June 1 | Area Committee completes report(s) on tenure with promotion or promotion only cases |
| June 15 | Area Committee submits tenure with promotion or promotion only recommendation(s) and dossiers to ART |
| September 1 | Absolute deadline for new evidence to be accepted by ART |
| During the sixth year of service (or when prior credit is awarded, the year of the tenure decision) | |
| January 15 | ART submits tenure recommendations to President |

2. DATES FOR PROMOTION TO FULL PROFESSOR

- | | |
|-------------|--|
| October 1 | Candidate notifies Provost/VPAA, Deans and Department Chair of intent to apply for promotion |
| October 10 | Department declaration of related departments |
| October 15 | Deans convene area selection committee for promotion cases
Provost/VPAA notifies ART, Deans and President of candidates who intend to apply for promotion |
| November 15 | Deans notify Provost/VPAA of Area Committee composition |
| December 15 | Promotion candidates submit dossiers to Area Committee |

March 15	Area Committees submit promotion recommendation to ART
April 1	Absolute deadline for new evidence to be accepted by ART
May 15	ART submits promotion recommendations to President

8.4.3 The Advocate

Each candidate for tenure and/or promotion shall have an advocate. At the time of hire, each faculty member will be assigned an advisor. The advisor will be assigned by the Provost/VPAA after a recommendation by the Department Chair. The advisor will be chosen from a group of tenured faculty members identified as persons familiar with the rank and tenure process and able to provide appropriate mentoring during the probationary period. The advisor will not be a member of the same department as the probationary faculty member. Faculty members are free to choose a different advisor at any time during the probationary period. When the faculty member applies for tenure or promotion, the advisor will become the member's advocate.

The role of the advocate is to ensure compliance with proper procedures. The advocate will have the following responsibilities:

The advocate shall advise the candidate in gathering and organizing all pertinent information. The advocate shall solicit evaluative letters from students and colleagues of the candidate using the standard solicitation letters found in Appendix C and be responsible for gathering any confidential materials. **Once the advocate has solicited letters, the candidate should refrain from communicating with all letter-writers about the solicitation and content of the letters. If an evaluator/letter-writer contacts the candidate about a solicited letter of evaluation, the candidate should direct the evaluator/letter writer to contact the advocate.** While the advocate is responsible for offering this assistance, the candidate solely is responsible for the tenure or promotion portfolio's content regarding the relevant evidence.

As a non-voting member of the Area Committee, the advocate shall represent the candidate to the Area Committee and serve as liaison between the committee and the candidate. The advocate shall also represent the candidate to the ART Committee and serve as liaison between the committee and the candidate.

The advocate shall be under an obligation of strict secrecy as to the confidential materials contained in the tenure dossier as well as to the candidate's confidences.

8.5 The Area Committee

The Area Committee shall conduct the initial evaluation of candidates for rank or tenure. During the Spring of the probationary faculty's fifth year, an Area Committee composed of all of the tenured members of the Department, at least one tenured faculty member from outside

the department, and the Dean will prepare a complete assessment and recommendation (Area Report). If the Dean is untenured or does not hold the rank under consideration, then The Dean shall appoint a member of the School who does have the appropriate status and rank to serve in his/her stead for all such cases for that academic year. This committee shall be subject to all relevant College rules governing rank and tenure consideration.

Membership on the Area Committee

The Area Committee shall be constituted as follows:

- a. In all cases, the committee should have no fewer than five qualified members with voting rights (four tenured faculty members—at least one of which is from outside the candidate's department—and the Dean).
- b. At least one qualified member of the Area Committee shall be from a related department. Supplemental committee members will be identified through the Area Selection Committee.
- c. The advocate shall be a non-voting member.
- d. For joint interdisciplinary faculty members see the Memorandum of Understanding (MOU) for specifics on committee composition, roles of Home Departments, Dean(s), and chairs/directors.

Definition of qualified members

- a. In decisions about rank, members (except the advocate) must be tenured and must hold the rank under consideration or a higher rank.
- b. In decisions about tenure, members must be tenured.
- c. The probationary faculty member's advocate shall serve as a non-voting member of the committee. The advocate of the candidate shall attend all meetings of the Area Committee as a non-voting member.
- d. All qualified members of the concerned department shall participate as members of the Area Committee. Qualified members on sabbatical, leave of absence, or early phased retirement may participate at their option.
- e. For joint interdisciplinary faculty members see the Memorandum of Understanding (MOU) for specifics on committee composition, roles of Home Departments, Dean(s), and chairs/directors.

Those members of the concerned department not qualified to serve on the Area Committee may participate by submitting evaluations in writing to the committee if they wish to do so.

All members of the Area Committee are expected to participate faithfully in all of the committee meetings. If an Area Committee member misses a meeting, the member must listen to a summary account of the last meeting at the start of the next meeting. A quorum for Area Committee deliberations on promotion or tenure cases shall consist of all but one voting members of the committee. No member may miss more than two meetings of the committee. All members of the Area Committee are required to be present for a vote on the case to be conducted.

8.5.1 The Area Selection Committee

Each year, on or before January 30 for tenure and October 15 for cases of promotion without tenure consideration, the Dean of the School shall convene the Area Selection Committee or committees for their faculty and shall convey to the Chair of the Area Selection Committee the departmental lists of related departments.

The Area Selection Committee's role is to complete the process of forming the evaluative committee (Area Committee) for each candidate for tenure and promotion. The Area Selection Committee shall consist of the Department Chairs within the respective academic subject areas: Business Administration, Humanities, Social Sciences, Science and Engineering and Education. The Area Selection Committee shall have a chair and a vice chair. Departmental Chairs shall serve on a rotating basis in alphabetical order by department or concentration. A quorum requires that all but one member be in attendance.

Not later than **October 10** of each year, the Chair of each department shall send to the Dean of the School a ranked list of at least five related departments. Departments chosen should teach disciplines that have close substantive links to the submitting department. The entire department shall decide which other departments shall be considered related departments.

If the choices for related departments seem incompatible with the nature of the department, the Area Selection Committee may express its doubts in writing to the concerned department. In this case the department shall express the reasons for its choice in writing. If the explanation is not forthcoming or is not satisfactory, then the Area Selection Committee shall indicate its dissatisfaction in a letter filed with the Appointment, Rank and Tenure Committee. The ART Committee may instruct the department to submit a list of related departments that satisfies the concerns of the Area Selection Committee.

The Dean of the School shall notify the Area Selection Committee by February 1 for tenure and October 15 for cases of promotion without tenure consideration, indicating:

1. The name(s) of the department candidate(s) and nature of the evaluation(s) for tenure or for promotion to specific rank.
2. The number of persons required from related departments to complete the Area Committee.

The Area Selection Committee shall choose the related departments from the list of related departments supplied by the department and shall request that these related departments provide the requisite number of qualified persons to serve as voting members of the Area Committee. The members of the departments that are notified by the Area Selection Committee shall elect by vote the person(s) who is (are) to serve on the Area Committee. A member of the Area Selection Committee who is being considered for tenure or promotion is not allowed to participate in the selection of the departments that provide the qualified person(s) to serve as (a) voting member(s) of his/her Area Committee.

8.5.2 Area Committee Consideration of Tenure and Promotion Cases

The advocate shall submit to the chair of the Area Committee a dossier containing all pertinent information on the candidate. Dossiers for tenure candidates are to be submitted by March 1; promotion dossiers are due to the Area Committee by December 15. This information should normally include, but should not necessarily be limited to:

1. The standard application form provided by the office of the Provost/VPAA and approved by the Faculty Senate, setting forth in detail the applicant's qualifications, including:
 - a. Personal data
 - b. Educational background
 - c. Employment history
 - d. Information about publications and professional activities
 - e. Information about committee and other non-teaching activities in the academic community
2. Evaluations from the department and/or School for each year of full-time teaching at the College;
3. All student evaluations, including summer, intersession and evening courses, administered during each year of full-time teaching at the College;
4. Letters from current and former students solicited according to acceptable sampling procedures;
5. Letters from Merrimack colleagues;
6. Letters from colleagues outside the College;
7. Syllabi from all courses developed and/or taught at the College;
8. Samples of assignments and exams;
9. Description and samples of academic activities outside the formal curriculum, such as guest lectures;
10. Description of professional development activities (e.g. courses taken, seminars, workshops attended) in the areas of pedagogy and one's discipline;
11. Official graduate school transcripts;
12. Scholarly work;
13. Evidence attesting to scholarly and professional achievement and its evaluation.

The candidate is responsible for providing all types of evidence listed above. In addition, the candidate may offer in writing any other evidence deemed relevant, such as a statement by the candidate providing a self-assessment based on the criteria for tenure. When a type of evidence

is presented, none of the available evidence of that type may be omitted. If the candidate so desires, the candidate may also provide a personal statement interpreting his/her record in the three categories of evaluation.

The candidate has the right to review all materials in the dossier. All letters will be non-confidential with the exception of letters from current students, which will have the writers' names and identifying information removed by the advocate prior to their inclusion in the dossier. Anonymous letters are not acceptable evidence. The candidate also has the right to offer rebuttal to any statement contained in the dossier.

It shall be the responsibility of the Area Committee to examine all evidence presented by the candidate through the advocate. At any time, the committee may seek additional evidence from the candidate through the advocate. The candidate may refuse to comply with the Area Committee's request.

All evidence considered by the Area Committee shall conform to the specifications of the procedures of the Appointment, Rank and Tenure Committee as described in this Handbook.

A quorum must be present for the discussion of a case. A quorum is defined as the total number of members of the Area Committee minus one member. The Area Committee shall evaluate and discuss all evidence presented by the candidate. No member of the committee should carry argument to the point of obstruction.

External Evaluation

External evaluation provides evidence to support achievement in teaching effectiveness, scholarly and related professional achievement, and community service. External evaluation refers to an assessment by an appropriately qualified person who is not a member of the Merrimack community. External assessment is especially important in the area of scholarly achievement since candidates must demonstrate ongoing contributions to research and practice in their academic fields. The advocate, after consultation with the candidate, will make a good faith effort to solicit written reviews from external evaluators that include: a) The candidate's colleagues, e.g. thesis advisors, former professors, coauthors, and collaborators, and b) at least two reviews, where the reviewers are in the candidate's scholarly field, but do not fall into any of the categories defined in part a. Category b defines "arm's length" reviewers, and includes members of the profession who cited the candidate's work or whose work was cited by the candidate, who heard the candidate present at a conference, who know the candidate primarily through scholarly or professional work, and/or who do not know the candidate at all (verifiable by asking the reviewer if they know the candidate). Although the advocate is required to solicit letters from some arm's length external evaluators, the absence of responses from such individuals is not to be interpreted as a deficiency in the body of evidence in support of the candidate's application for tenure or promotion.

In order for evaluations to be as substantive and specific as possible, all external evaluators should be provided with a copy of the tenure and promotion criteria for Area II (section 8.7.2) and any materials that the reviewer is being asked to evaluate.

The Advocate's Role on the Area Committee

The advocate shall be privy to all evidence considered by the Area Committee prior to any consideration by the committee. The advocate shall be present at all deliberations of the committee as a whole to ensure that rank and tenure procedures are properly followed.

The advocate shall assist the Area Committee by explaining materials in the candidate's dossier and when necessary by communicating with and obtaining additional information or clarifications from the candidate.

As a non-voting member of the Area Committee, the advocate is expected to be a participant in the deliberations of the committee, not merely an observer. The advocate shall have floor privileges at all deliberations of the committee. The advocate shall be entitled to speak for a positive assessment of the candidate's case, to call the committee's attention to positive evidence and positive interpretations of evidence related to any matter under deliberation, to raise questions at any point regarding the nature and basis of the committee's deliberations, and above all, along with all other committee members, ensure the deliberation's procedural integrity. In sum, the advocate should act to encourage a careful, fair review of the evidence and to facilitate the Area Committee's development of a reasoned basis for its judgment.

In any apparent instance of procedural violation, the advocate shall immediately report the apparent violation to the candidate.

The advocate is the conduit for all communication between the Area Committee and the candidate.

Voting Procedures

All members of the Area Committee must be present for a vote on the recommendation for tenure. Abstentions are not allowed.

If an Area Committee member votes no in any individual area, that member must vote no on the case overall.

Prior to the final vote on a recommendation for tenure and/or promotion, the committee shall conduct separate votes on each of the three tenure and promotion criteria to determine if the threshold for each has been met. For each area, the committee shall vote by show of hands on the applicable motion:

- "I move that [the candidate's name] has met the criteria for tenure and promotion to the rank of Associate Professor [or insert other rank] in Area [insert area number and title]" or
- "I move that [the candidate's name] has met the criteria for promotion to the rank of [insert rank] in Area [insert area number and title]."

In the final vote on an overall recommendation for tenure and/or promotion, a majority vote is necessary for a positive recommendation. Abstentions are not allowed. The Committee shall vote by show of hands on the applicable motion:

- “I move that [the candidate’s name] be recommended for tenure and promotion to the rank of Associate Professor [or insert other rank]” or
- “I move that [the candidate’s name] be recommended for promotion to the rank of [insert rank].”

The results of all votes shall be included in the Area Committee report. The wording to be used in reporting the votes on each area and on the recommendation shall parallel the wording designated above for the motions, in accordance with the following models:

- The Committee by a [unanimous vote / vote of X for and Y against] finds that [the candidate’s name] has met the criteria for tenure and promotion to the rank of Associate Professor [or insert other rank] in Area [insert area number and title].
- The Committee by a [vote of X for and Y against] finds that [the candidate’s name] has not met the criteria for tenure and promotion to the rank of Associate Professor [or insert other rank] in Area [insert area number and title].
- The Committee by a [unanimous vote / vote of X for and Y against] recommends that [the candidate’s name] be granted tenure and promotion to the rank of Associate Professor [or insert other rank].
- The Committee by a [vote of X for and Y against] does not recommend that [the candidate’s name] be granted tenure and promotion to the rank of Associate Professor [or insert other rank].

In recommending a candidate for tenure, the Area Committee should keep in mind that, in granting tenure to an individual, the College is in effect making a commitment to the candidate for the remainder of their academic career. In recommending the candidate for tenure the Faculty is expressing a similar confidence that the individual will maintain a degree of excellence in their teaching, in their scholarship, and in their commitment to this academic community. The Rank and Tenure criteria clearly indicate that a high degree of positive evidence must be manifested to achieve rank or tenure. The decision is concerned with *a sufficient accumulation* of positive reasons, not with the discerning of negative reasons. In fact, it is accepted in the academic world that in the case of tenure, if there is reasonable doubt the person does possess the appropriate degree of attributes, then the candidate should be denied tenure. The fact that tenure is a privilege and not a right and that it represents a significant commitment on the part of the institution reinforces the necessity for strong positive reasons for granting it; and that, a favorable action is viewed as having to be consistent with such criteria as ‘outstanding’ and with such confidence as implied in ‘beyond a reasonable doubt.’

These rules of confidentiality are established for internal college purposes. All participants in the process should be aware that when tenure or promotion cases are contested outside the College, courts and other legal bodies may legitimately open the record to public scrutiny.

All records relating to the Area Committee shall be kept in a secure place in the custody of the Chairperson of the committee.

The voting members shall be under an obligation of strict secrecy as to the matters discussed during their deliberations. This same obligation of the voting members shall apply to the content of all papers, documents and reports.

The advocate may discuss with the candidate the substance of arguments presented at the Area Committee meetings; the advocate may not, however, identify those arguments with particular members of the committee, nor may the advocate inform anyone of the vote of individual committee members.

After deliberations are concluded, the Area Committee shall submit to the Appointment, Rank and Tenure Committee a report on its recommendation, setting forth the reasoned basis for its decision.

The Chair of the Area Committee shall personally deliver a copy of the Area Committee report as well as any minority reports to the candidate. In the case of a divided recommendation (e.g., a 2-3 vote), the names and votes of the members of the Area Committee shall not be disclosed. The candidate has the right to offer rebuttal to any statement in the report of the Area Committee. Such rebuttal is to be sent to the Area Committee and becomes a part of the dossier.

The completed application for tenure, the Area Report, and accompanying materials must be submitted to the Chair of the Appointment, Rank and Tenure Committee by June 15 of the candidate's fifth year.

8.6 The Appointment, Rank and Tenure Committee

The Standing Committee on Appointment, Rank and Tenure shall evaluate requests for rank or tenure and make recommendations to the President. This Committee shall also function as the study committee in matters of policy on rank and tenure and make recommendations to the Faculty Senate. Service on ART is one of the highest obligations of a tenured faculty member.

8.6.1 Composition of ART

The ART Committee will be composed of ten members, nine faculty members elected from and by the Faculty and the Provost/VPAA. The nine elected members will include two from each of the following areas of the College: Business, Social Sciences (including Education), Humanities,

and Science & Engineering and one at-large faculty member. No more than two members from a single department may be elected.

All elected members shall be full-time, tenured faculty. Membership shall include no fewer than four full professors. Only those on the list of tenured faculty in the Fall of a given year will be eligible to serve on the Appointment, Rank and Tenure Committee for the following year. Members will be elected for two year, staggered terms with no more than five new members elected in any year. No member shall be allowed to serve for more than two consecutive terms. Membership on the committee shall be representative of the full faculty.

The Faculty Senate Nominating Committee will propose a slate for ART membership as part of the annual Senate committee ballot. Nine alternate members will also be elected through this process. The nine alternate members will include two from each of the following areas of the College: Business, Social Sciences (including Education), Humanities, and Science & Engineering and one at-large faculty member. The newly elected ART Committee will hold organizational meetings during the Spring in which the election is held.

Faculty members shall be ineligible to serve on both the area committee and the ART Committee for an individual petition for tenure. Alternate ART members will be elected annually to serve if recusal of a regular member in a particular case is necessary by reason of prior service on an area committee.

The Provost/VPAA shall be a voting member of the ART Committee. While rules of quorum will generally apply, the Provost/VPAA must be present for all final votes on candidates.

All questions of tenure shall be evaluated by the full committee. Applications for promotion in rank shall be considered by all members of the Committee holding the rank in question or any higher rank. The Provost/VPAA shall participate in all considerations for rank or tenure.

In the event that an elected member receives a promotion in rank while on the Committee, that member will continue to serve until the expiration of the term in which they were elected.

8.6.2 Role of the Provost/VPAA on ART

The position of Provost/VPAA has responsibility for overseeing the procedural aspects of the entire appointment, rank and tenure process. The Provost/VPAA's responsibilities include, but are not limited to:

- i. Explaining ART review processes to all new faculty members, and ensuring that new faculty receive appropriate documents related to the ART process;
- ii. Ensuring that each faculty member chooses or is assigned an advisor during his/her first year;

- iii. Ensuring that annual reviews of probationary faculty are completed in a timely and professional manner;
- iv. Ensuring that the ART committee, Area Committees, and Appeals Committees are formed and function in a timely and professional fashion;
- v. The Provost/VPAA will be responsible for overseeing procedural aspects of the ART Committee. In so doing, the Provost/VPAA will (a) confirm to the President that agreed-upon administrative procedures have been followed; (b) establish and maintain a centralized record of all ART documents; and (c) represent the College before external agencies on ART matters.

8.6.3 Timing of Tenure with Promotion or Promotion Only to Associate Professor Recommendations

The ART Committee will forward its recommendations on tenure with promotion or promotion only to Associate Professor to the President no later than January 15.

8.6.4 Timing of Promotion to Full Professor Recommendations

The ART Committee will forward its recommendations on promotion to full professor to the President no later than May 15.

8.6.5 Statement on Confidentiality

This statement on confidentiality governs the behavior of the members of the Appointment, Rank and Tenure Committee. The statement is necessary to protect individual candidates and to protect against possible pressure that might be asserted on the committee or on individual members. Candidates retain the right of access to that amount and kind of information specified in the “giving of reasons” and in the Appeals sections of this Handbook.

The Committee shall operate with a policy of strict confidentiality regarding its deliberations.

In coming to a decision as to how an individual ART member should be governed with respect to confidentiality, the claims of both the individual and the academic community must be considered. The individual has a right to expect that his or her personal attributes will not become subject to public debate. The entire academic community must be confident that decisions of this order of importance be reached in an unencumbered environment.

Members of ART retain the right to discuss outside of the Committee *procedural* matters that may emerge during deliberations. No member of ART is prohibited from informing a candidate that they have made a charge of violation of academic freedom, College policies on discrimination, and/or inadequate consideration against the Committee.

The following are the specific working rules of the Committee:

- A. All communications to the Committee pertinent to individual rank or tenure considerations are to be held as confidential information.
- B. When individual cases are under consideration, proceedings of the Committee are not to be discussed outside the Committee.
- C. The file of all supplemental materials related to a candidate's tenure and/or promotion case during its deliberation is to be held in the Provost/VPAA's Office. Committee members may have access to the file, but the materials are not to be circulated.
- D. Materials and reports regarding the various sessions of the deliberations of the ART Committee shall be strictly confidential and shall be available only to members of the ART Committee that deliberated the case and the Appeals Committee in the case of an appeal.
- E. Should any person ask questions of a member of the Committee, the member is to be referred to the Chairperson. The Chairperson may answer questions only about general procedure. The Chairperson alone will also communicate the decisions of the Committee.
- F. Only Committee members may be present during deliberations on individuals.
- G. Any member of the Appointment, Rank and Tenure Committee who believes procedures have been violated has the responsibility to inform the Committee and the candidate if the Committee should fail to correct the inadequacy of procedure.

8.7 Criteria and Evidence for Rank and Tenure

In order to be granted tenure and/or be promoted in rank at Merrimack College, faculty must demonstrate a high level of achievement in, and an ongoing commitment to, their principal faculty roles. These roles are defined in terms of teaching, scholarly development and achievement, and community service. Decisions regarding tenure will be made on the basis of a thorough review of the evidence of faculty performance. While no one specific piece of evidence is required to demonstrate a satisfactory level of performance, decisions will be made on the basis of the strength of corroborative evidence in each area.

8.7.1 Area I: Teaching Effectiveness

Merrimack College is committed to the integration of the liberal arts and the professions. In light of this commitment, teaching is the most important criterion for the promotion and/or

tenure of faculty members. Indeed, teaching effectiveness is considered a necessary but not sufficient condition for advancement in rank or granting of tenure.

Teaching effectiveness may be shown by the following:

- Command of one's subject;
- Knowledge of current developments in one's discipline;
- Knowledge of the relationship of one's discipline to other areas of knowledge;
- Ability to excite intellectual curiosity and develop the abilities to think critically and communicate effectively;
- Ability to develop and to utilize appropriate teaching methods and strategies;
- Ability to assess and evaluate student performance accurately and fairly;
- Research and development of new courses and curriculum;
- Availability for and appropriateness in providing academic advisement and mentoring of students;
- Involvement in the development of academic resources and curricular programs;
- Successful engagement of students with academic resources and information technologies;
- Involvement in the academic life and development of students beyond the formal curriculum and the classroom (e.g. lectures, performances, seminars, colloquia, academic clubs, etc.).

Evidence of teaching effectiveness may include, but is not limited to:

- Evaluations from the Department and/or School for each year of full-time teaching at the College;
- Peer observations;
- All student evaluations administered during each year of full-time teaching at the College;
- Letters from current and former students solicited according to acceptable sampling procedures;
- Letters from Merrimack colleagues;
- Letters from colleagues outside the College;
- Representative syllabi of the range of courses taught on a regular basis and for special teaching assignments. Such syllabi should reflect knowledge of the subject matter, clear goals and learning outcomes, sound organization, and thoughtful application of pedagogy;
- Representative assignments that reflect course goals, work to develop student understanding and interest, and apply sound learning strategies;
- Representative evaluative instruments and activities that match course goals and learning outcomes and facilitate the development of students' understanding or skills;
- Assessment and reflection on one's own teaching and the implementation of revisions to course syllabi, assignments or activities, based on such assessment and reflection;
- Description and samples of academic activities outside the formal curriculum, such as guest lectures;
- Description of professional development activities (e.g. courses taken, seminars, workshops attended) in the areas of pedagogy and one's discipline;

- The application of new knowledge or teaching strategies resulting from personal course work, participation in disciplinary or pedagogical conferences or workshops, or other self-directed reading or activities;
- Documentation of assessment of student work and learning that is used to improve teaching and learning;
- Documentation of an understanding of the relationship of individual courses to College goals and curricula;
- Documentation of sharing one's teaching knowledge and skills with peers on and off campus;
- Knowledgeable guidance to students, faculty, and staff in the research process along with the creation and development of materials supportive of the information environment;
- Evidence of information literacy and library research skills as reflected in assignments, projects, and collaboration with librarians;
- Evidence of appropriate guidance of students, faculty and staff in the process and evaluation of research;
- Documentation of the creation and development of materials across different media supportive of an information-rich learning environment.

8.7.2 Area II: Scholarly and Related Professional Achievement

As part of their primary role as teachers and members of a scholarly community, faculty at Merrimack College are expected to make ongoing contributions to research and practice in academic fields of inquiry and to disseminate the results of this work, when appropriate and possible, to their students, to the Merrimack Faculty and other members of the College, to colleagues in the broader academic community, and to other local, national, and international bodies.

Research and related professional activity are to be encouraged and valued for the contributions they make to the growth of scholarly knowledge. Ongoing scholarly research is also necessary to inform pedagogy, and that superiority in teaching requires that faculty members stay current with intellectual developments in their fields of study. Therefore, faculty have the primary responsibility for initiating, maintaining, and adding to the diverse forms of knowledge and practice that are presented, discussed, debated, learned, and taught within Merrimack College and the wider academy. In this way, faculty help to create, preserve, and enrich the intellectual climate of the College and the broader community.

The scholarly and related professional achievement of all candidates for tenure and promotion should be demonstrated and judged by qualitative and quantitative performance. The threshold that this performance must surpass is a matter of reasoned judgment. The evidence a candidate submits for evaluation and judgment in support of this performance should demonstrate a sustained pattern of scholarly and related professional activity and achievement. The candidate's work and presentations of that work should display qualities such as originality and skill in research and presentation, creativity, depth and breadth of knowledge, and intellectual insight. The candidate's scholarly work will be judged on the merits of its quality and significance, with

equal regard given to primary, basic, or applied research; the scholarship of teaching and learning; interdisciplinary study; collaborative inquiry; or any other additional category.

Evidence

The evidence a candidate submits will, of course, vary according to the field of inquiry and execution. However, the evidence must demonstrate the significance of the candidate's contribution to the field and the recognition of this contribution by his/her colleagues and other qualified persons. Since the granting of tenure and promotion indicates in part a belief that the candidate will continue to develop his/her scholarship and related work, the evidence should also warrant a reasoned judgment that such activity and achievement will occur in the future.

Coursework undertaken to maintain or enhance currency in the candidate's field and/or the ability to produce creative and original scholarly or professional work may be considered as evidence. Coursework undertaken as a requirement for a degree may be included as evidence, but is not in itself sufficient evidence of scholarly or professional development.

Evidence of scholarly and professional achievement may include, but is not limited to:

Creative Work

- Directing or performing in public dramatic presentations
- Public conducting or performance of musical works
- Public exhibitions of one's own drawings, paintings, sculpture
- Public performance of dramatic works one has written
- Public performance of musical works or dances one has composed, choreographed, or arranged
- Authorship and publication of stories, poems, plays, creative non-fiction
- Public performance of stories, poems, creative non-fiction
- Patents

Presentations, Conferences, Unpublished Writing

- Presentation of papers at scholarly or professional conferences
- Poster sessions at scholarly or professional conferences
- Conducting workshops at scholarly or professional conferences
- Discussant, panel member, or respondent at a scholarly conference
- Chairing of sessions at scholarly conferences
- Attendance at scholarly conferences
- Presentation of scholarly or artistic works at other colleges
- Research grant applications
- Unpublished textbooks or manuals in use

Publications

- Articles in scholarly journals
- Contributions of chapters or essays to scholarly or professional books
- Contributions to reference works (e.g., encyclopedia articles)
- Educational materials in other media (e.g., software)
- Reviews of scholarly and professional works in journals, bibliographies, annual reviews
- Scholarly or professional books written or edited

- Textbooks, workbooks, manuals written or edited
- Articles in newspapers and in-house publications
- Articles in popular, non-scholarly magazines
- Book reviews

Scholarship of Engagement

- Development of museum projects
- Applied solutions to clinical problems
- Consulting projects with communities, non-profit and for-profit organizations
- Consulting that adds to the knowledge of one's discipline
- Consultation on policy issues
- Educational collaboration with schools
- Developing community grant proposals

Additionally, the evidence submitted should include evaluations of the full range of the candidate's scholarly and professional work by Merrimack departmental and other colleagues, and evaluations of the corpus of work by professionals outside of the College in the candidate's field(s) of inquiry and research.

8.7.3 Area III: Community Service

As citizens of many concentric communities—department, school, faculty, college, professional and civic—faculty have ample opportunities to develop and practice their social responsibility. Not all faculty will be expected to demonstrate their commitment to service in the same way and in the same proportion among and within each of these communities. However, to merit tenure or promotion in rank, faculty members must be able to demonstrate through concrete evidence of achievement, their contributions to the common good.

Faculty Responsibilities in General College Governance

Merrimack College seeks to nurture a collegial atmosphere in which all members of the Community can exercise their proper role in decisions about the conduct and future of the College. In our system of shared governance, each member of the Faculty is expected to assume his/her share of democratic obligations. Therefore a record of contributions to governance is a necessary, though not exclusive, form of evidence of achievement in Area III for candidates seeking tenure or promotion in rank.

Contributions to Senate governance might typically be made by attendance at Senate meetings, participation in debate, substantive work on standing and *ad hoc* committees (e.g., serving as chair, conducting research, drafting and editing of reports and studies). Contributions may also be made at the departmental, School, and College levels.

Contributions to the Academic Character of the Merrimack Community

As an adjunct to their primary responsibilities in the area of governance, faculty members have a major role in defining the intellectual, cultural and educational environment of the College.

Part of this responsibility is met through teaching and research (Areas I and II, above). However, an environment conducive to fostering sensitivity to values, and the habits of inquiry and conversation must extend beyond the classroom and individual research to other aspects of campus life. Contributions to the academic character of the institution might include conducting seminars, performances and exhibitions of work, sponsorship of speakers and other academic and cultural events, advising student organizations, acting as campus liaison for external academic and cultural programs, mentoring of other faculty, encouragement of interdisciplinary dialogue, and grant writing that benefits the College as a whole.

Contributions to the Wider Civic Community

Merrimack College values good citizenship beyond the confines of the campus. The Faculty may be able to contribute its competence to the surrounding local communities, specifically to act as a major educational resource for individuals and for the Merrimack Valley community. Citizenship may be exhibited at the local, state, national, and even international levels. The College is committed to making a contribution to the wider community through such activities as public service and community outreach, consulting and advising, lectures and presentations, and charitable and other volunteer activities, especially those that draw upon the faculty member's professional competencies.

Service to the Professional Community

Just as Merrimack requires the work of many hands, professional associations count upon their members' voluntary contributions of time, expertise, and leadership to their administrative and organizational tasks. Service to the professional community might normally include providing administrative, organizational and/or facilitative services to a professional association's functional, governance or conference operations.

Evidence

Evidence of community service should include documentation of activities engaged in that demonstrate a commitment to the College community. This documentation should attest to the quality of participation in the activities.

Activities that demonstrate service to the College community may include, but are not limited to:

- Working with faculty, administration, staff, students and the community
- Attending Baccalaureate and Commencement
- Attending and contributing to regularly scheduled meetings
- Meeting appropriate deadlines
- Supervising work-study students and personnel
- Attending college lectures, seminars, and activities
- Serving on and leading department, School, Faculty Senate and College-wide committees, councils, and boards
- *Ad hoc* committees
- Councils
- School Committees
- Departmental committees

- Search committees
- Special committees
- Standing committees
- Task forces
- Sharing expertise with colleagues and the College community
- Guest lecturing in courses
- Leading book discussions
- Making presentations to student groups
- Peer evaluating
- Presenting at/leading faculty forums
- Developing relationships with other institutions, corporations, schools and the community
- Field experience site development
- Internship site development
- Off-campus experience site development
- Networking activities
- Serving on voluntary advisory boards
- Speakers Bureau/Faculty lecture presentations
- Contributing to the social and cultural life of the College
- Advising student organizations
- Attending College social, cultural and athletic events
- Departmental/Alumni/Student recognition activities
- Departmental/College faculty mentoring programs
- Participating in College choruses, ensembles or theater
- Participating in volunteer activities
- Participating in the recruitment and retention of Merrimack College students
- Participating at College Open Houses and other admissions events
- Serving as a liaison with community colleges and high schools
- Participating in College recruiting activities
- Serving and leading in local, state, regional and national professional organizations
- Committee Chair or Member
- Board Member
- Local Arrangements Coordinator
- Officer
- Reviewer/Editor of Newsletters, Journals, Book Series
- Actively participating in critical analysis of College issues
- Attending open forums
- Active participation in faculty meetings
- Providing written comments to committees, councils and boards as necessary
- Supporting and leading self-studies and analyses of College programs

8.7.4 Further Tenure Criteria

Tenure is granted to faculty members whose special qualifications are consistent with the immediate and long-range goals of the particular department and School as well as of the College, who the appropriate recommending body feels confident will be able to make a

positive contribution to those goals, and to whom the College is willing to make a long-term commitment. The denial of tenure is not necessarily a reflection on an individual's competence or ability. These needs, goals, and financial considerations must be clearly articulated to the Appointment, Rank and Tenure Committee.

8.8 Information Required for the Rank and Tenure Committee's Deliberations

Since the Committee's role is basically a judgmental one, care must be exercised in ensuring that full and adequate information is presented to it. On the other hand an unencumbered environment must exist for the Committee to be free to submit the evidence on the candidate to critical inquiry.

The ART Committee will ask the recommending body for information relating to the academic preparation, professional certification, professional association, and nonteaching professional experience. Such communications shall be shown to the candidate prior to consideration by the Committee.

The ART Committee will receive from the individual and the concerned evaluative body written recommendations and their basis. These recommendations will refer to the individual's performance in the areas of teaching effectiveness, scholarly and related professional experience and participation in the academic community.

Prior to the deliberations of the Committee on a particular candidate, the Chairperson of the Area Committee, or representatives of the majority and/or minority from the evaluative body submitting the recommendations, or the candidate or the advocate, may offer to the Committee any further evidence either orally or in writing that they consider relevant. **This additional evidence will only be accepted by the ART Committee during the time when the candidate's advocate is involved in the process. No new evidence will be accepted or considered by the ART Committee after the absolute deadline, which is September 1 for tenure with promotion or promotion only cases and April 1 for promotion to full professor cases.**

Before the advocate or any members of the evaluative body appear before the Committee, notification of the intent to do so must be given the candidate's department Chairperson.

8.9 Discussion Procedures

The policies and procedures for tenure are designed to provide the ART Committee with full and adequate information about the candidate. It is important that the Committee conduct a full and adequate discussion of each case. Full and adequate discussion is required to safeguard candidates from arbitrary and capricious treatment. Furthermore, the ART Committee members need to ensure that their discussion of each case observes a consistent application of standards and that their examination involves a detailed analysis and clear understanding of each case. The

decision of the Committee is concerned with the accumulation of positive reasons not with the discernment of negative reasons.

The discussion should ensure that all available evidence bearing on the relevant performance of the candidate is sought out and considered; that adequate deliberation over the evidence in light of relevant standards takes place; that irrelevant or improper standards are excluded from consideration; and that the recommendation of the ART Committee is a *bona fide* exercise of professional judgment which was conscientiously arrived at.

In considering a petition for tenure and/or promotion:

- 1) Committee members may speak only when recognized by the Chair.
- 2) Every committee member is required to explain his/her position about the case. Comments should provide a clear and succinct evaluation of the evidence in light of each of the criteria. Interpretive comments should be supported by specific references to items in the documentation.
- 3) The Chair will seek to ensure that all voices are heard.
- 4) The Chair will seek to limit excessive repetition of points and/or evidence.
- 5) The discussion of the case should focus on the clarity of the committee's understanding and interpretation of the criteria and the insurance of consistency.
- 6) The Chair is responsible for determining when the discussion of the case is sufficient.

8.10 Voting Procedures

A quorum must be present for the discussion of a case. A quorum is defined as seven (7) members for general business, eight (8) members for tenure recommendations, eight (8) members in considering promotion to Associate Professor, and four (4) members in considering promotion to Professor.

A two-thirds vote is necessary for a positive recommendation on tenure and for a positive recommendation on promotion in rank. Abstentions are not allowed. The following table is to be used for the votes required for a recommendation for tenure and for the votes required for a recommendation for promotion in rank:

Number Voting	Votes Required for a Positive Recommendation
10	7
9	6
8	6
7	5
6	4

5	4
4	3

All motions in the committee for recommending tenure and promotions are to be stated positively and the number evaluating is the number of committee members present during the deliberation on a particular case.

The Provost/VPAA must be present for all final votes on candidates for tenure.

The ART Committee shall vote by show of hands on any motion for tenure or promotion.

If an ART Committee member votes 'no' in any individual area, that member must vote 'no' on the case overall.

8.11 Report of ART Actions

After deliberations are concluded, the ART Committee shall forward in a letter its recommendation to the President. In cases regarding tenure or advanced rank for candidates for academic-administrative positions, the letter addressed to the President will be delivered to the chair of the search committee for inclusion among materials to be sent forward with the search committee's recommendations.

In cases where the ART recommendation differs from that of the Area Committee, the ART Committee will write a statement setting forth the reasoned basis for its different evaluation and recommendation. This statement will be forwarded to the President who will make it available to the candidate. The statement is limited by the nature of tenure and promotion and the basis for decision making as outlined in the criteria. The statement indicates the committee's willingness to hold itself accountable and could provide some information which the candidate might use in a decision to appeal.

8.12 Role of the President

The President of the College is delegated by the Board of Trustees, which bears the ultimate responsibility for the actions of the College, to exercise the final administrative responsibility for all decisions affecting faculty status. Therefore, the President's decisions are final.

Decisions of the President affecting faculty status shall be made in accord with the criteria for Rank and Tenure as established in this document. The President may not introduce additional criteria except through the normal processes of amending the *Faculty Handbook*. The President has a special responsibility to assure that procedural integrity has been observed at all levels of the Rank and Tenure process in order to preserve academic freedom.

The President's initial presumption in all decisions affecting faculty status favors the judgment of the Appointment, Rank and Tenure Committee. If the President concurs with the recommendation of the Appointment, Rank and Tenure Committee, the President will inform the candidate of the decision.

On the rare occasions when the President has substantive reservations or objections concerning a decision of the Appointment, Rank and Tenure Committee, the President shall meet with the Appointment, Rank and Tenure Committee for the purpose of discussing his/her reservations or objections before announcing the decision. This meeting should be held within twenty business days of the President's receipt of the recommendation from the Appointment, Rank and Tenure Committee.

If the President decides against the committee's recommendations, the President's reasons shall be stated in a letter to be sent to the Appointment, Rank and Tenure Committee and to the candidate.

8.13 Appeals

This procedure covers claims of improper consideration and inadequate consideration in connection with reappointment, promotion, and tenure recommendations.

“Improper consideration” (which is distinct from “inadequate consideration”) refers to considerations that violate either (i) academic freedom or (ii) Merrimack College’s nondiscrimination policy (see statement on page 1). Inadequate consideration is a lack of adequate consideration as defined below.

8.13.1 Appeals on the Basis of Improper Consideration

The Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination

Appeals based upon an allegation of a violation of academic freedom or of the College policies on discrimination will first be considered by the Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination. This committee will consist of three (3) tenured members of the Faculty who hold the rank of Associate or Full Professor and who are not serving on or elected to the ART Committee for that same year. The Faculty shall elect these three (3) members and three (3) alternates through an election that includes all eligible faculty members. Faculty elected to this committee will serve one-year terms.

Those three (3) members receiving the highest number of votes, and conforming to the eligibility requirements indicated above shall serve as the Review Committee for Charges of Violations of Academic Freedom and/or College policies on discrimination. Should any members be unable to serve for any reason their places shall be taken by the alternates. No faculty member who is otherwise eligible to serve on the Review Committee for Charges of Violations of Academic Freedom and/or College policies on discrimination and who seeks a promotion from Associate to Full Professor is eligible to serve on the Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination that would hear cases decided by the ART Committee from which this faculty member received consideration. Membership on this committee and either the ART Committee or the appellant’s area committee cannot be held simultaneously. Members of this committee cannot be from the appellant’s department nor can they serve simultaneously on the Faculty Hearing Committee.

Initiating an Appeal on the Basis of an Allegation of Improper Consideration

If a faculty member alleges that improper consideration occurred during the reappointment or tenure process, the faculty member shall petition in writing to the President of the Faculty Senate to initiate a review of the decision. The petition charging improper consideration may be made at any time from the point of the alleged infraction up to thirty days from the date on which the appellant receives written notice of the reappointment or tenure decision. The petition must specify the respect(s) in which the petitioner believes consideration to have been improper. It must also state that the petitioner agrees to the presentation for consideration by a

review committee of such evidence as the College has gathered in arriving at its decision (it being understood that the review committee, in order to discharge its responsibilities, must have access to whatever information the College weighed in reaching that decision). The burden of proof rests upon the petitioner.

Within twenty days of receipt of the petition the President of the Faculty Senate shall inform the Review Committee of the petition and call upon the committee to function.

Function of the Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination

The quorum for the Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination shall be all three members of the committee.

The function of the committee is to determine whether or not on its face a violation has occurred, whether the violation is alleged to have occurred during the reappointment process, at the level of the Area Committee or at the level of the Appointment, Rank and Tenure Committee.

If the committee determines that a *prime facie* violation has occurred, the committee should seek to settle the matter through discussion with the petitioner and the appropriate committees. When a decision is reached, the committee informs the President of the Faculty Senate.

If the committee determines, in its opinion, that improper consideration has not occurred, then the committee informs the petitioner and the President of the Faculty Senate of its finding.

If the matter remains unresolved, the individual making the charge may seek a hearing before the Faculty Hearing Committee by so informing the President of the Faculty Senate.

The Faculty Hearing Committee

The Faculty Hearing Committee will consist of three (3) tenured members of the Faculty who hold the rank of Associate or Full Professor and who are not serving on or elected to the ART Committee or the Review Committee for Charges of Violations of Academic Freedom and/or College policies on discrimination for that same year. The Faculty shall elect these three (3) members and three (3) alternates through an election that includes all eligible faculty members. Faculty elected to this committee will serve one-year terms.

Those three (3) members receiving the highest number of votes, and conforming to the eligibility requirements indicated above shall serve as the Faculty Hearing Committee. Should any members be unable to serve for any reason their places shall be taken by the alternates. No faculty member who is otherwise eligible to serve on the Faculty Hearing Committee and who seeks a promotion from Associate to Full Professor is eligible to serve on the Review Committee for Charges of Violations of Academic Freedom and/or College policies on discrimination that would hear cases decided by the ART Committee from which this faculty

member received consideration. Membership on this committee and either the ART Committee or the appellant's area committee cannot be held simultaneously. Members of this committee cannot be from the appellant's department nor can they serve simultaneously on the Review Committee for Charges of Violations of Academic Freedom and/or College Policies on Discrimination.

Function of the Faculty Hearing Committee

1. The quorum for the Faculty Hearing Committee shall consist of all three members of the committee.
2. The faculty member making the complaint is responsible for stating the grounds upon which the allegations are based, and the burden of proof will rest upon the faculty member.
3. The hearing committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to (i) simplify the issues, (ii) effect stipulations of facts, (iii) provide for the exchange of documentary or other information, and (iv) achieve such other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious.
4. Service of notice of hearing with specific charges in writing will be made at least twenty days prior to the hearing.
5. During the proceedings the faculty member will be permitted to have an academic advisor.
6. At the request of either party or the hearing committee, a representative of a responsible educational association will be permitted to attend the proceedings as an observer.
7. A verbatim record of the hearing or hearings will be taken by a stenographer and a copy will be made available to the faculty member without cost at the faculty member's request.
8. The hearing committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
9. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the hearing committee in securing witnesses and making available documentary and other evidence.
10. The faculty member and the administration will have the right to confront and question all witnesses with no attorneys present. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their

statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories.

11. The hearing committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
12. The findings of fact and the decision will be based solely on the hearing record.
13. Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the governing board of the institution. The President and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.
14. If the hearing committee concludes that a violation of academic freedom and/or improper consideration has occurred by the evidence in the record, it will so report to the President.
15. If the President rejects the report, the President will state the reasons for doing so, in writing, to the hearing committee and to the faculty member, and provide an opportunity for response before transmitting the case to the governing board.
16. If the Faculty Hearing Committee and/or the President conclude that a violation did not occur, the appellant may request that the President refer the matter to the Chair of the Board of Trustees who will constitute a committee to review and act on the case. The Board of Trustees' review will be based on the record of the faculty committee hearing, and it may provide opportunity for argument, oral or written or both, by the principals at the hearings. The decision of the Faculty Hearing Committee will either be sustained or the proceeding returned to the committee with specific objections. The Faculty Hearing Committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The results of the Faculty Hearing Committee's reconsideration will be submitted to the Board of Trustees who will make a final decision after study of the Faculty Hearing Committee's reconsideration.
17. If it is determined that a violation of academic freedom and/or college policies on discrimination has occurred, the case will be resolved as follows:
 - i. If the violation occurred at the department level, the School's Dean, the appellant faculty member and tenured members of the Executive Committee will agree upon a remedy acceptable to all parties. The Provost and Vice President for Academic Affairs will substitute for the Dean if the violation occurred during the third year review.
 - ii. If the violation occurred at the Area Committee level, the Provost and Vice President for Academic Affairs, the appellant faculty member and tenured members of the Executive Committee will agree upon a remedy acceptable to all parties.

- iii. If the violation occurred during Appointment, Rank and Tenure proceedings, the President, the appellant faculty member and tenured members of the Executive Committee will agree upon a remedy acceptable to all parties.

8.13.2 Appeals on the Basis of Inadequate Consideration

An Appeals Committee will consist of five (5) tenured members of the Faculty who hold the rank of Associate or Full Professor and who are not serving on or elected to the ART Committee for that same year. The Faculty shall elect these five (5) members and five (5) alternates through an election that includes all eligible faculty members. As finally constituted, the Committee should include at least one member each from Liberal Arts, Science and Engineering, and Business. At least four members must have prior service on the ART Committee. Membership on the Appeals Committee and the ART Committee cannot be held simultaneously.

Those five (5) members receiving the highest number of votes, and conforming to the eligibility requirements indicated above shall serve as the Appeals Committee. Should any members be unable to serve for any reason their places shall be taken by the alternates. No faculty member who is otherwise eligible to serve on the Appeals Committee and who seeks a promotion from Associate to Full Professor is eligible to serve on the Appeals Committee that would hear cases decided by the ART Committee from which this faculty member received consideration. Membership on this committee and either the ART Committee or the appellant's area committee cannot be held simultaneously.

Function of the Appeals Committee

The function of this committee will be to determine whether adequate consideration was given by the ART Committee or the Area Committee in reaching a recommendation regarding a tenure or promotion case (or prior to a recommendation if an appeal alleging a specific procedural violation is presented to the Appeals Committee). If the Appeals Committee finds that adequate consideration was not given by the ART Committee or the Area Committee, the Appeals Committee will return the case for reconsideration by the committee in which the procedural violation occurred.

The Appeals Committee is an investigative body having a singular focus on the maintenance of procedural integrity. It cannot substitute its own judgment for that of the ART Committee or the Area Committee by reversing a decision of those committees to recommend or not to recommend. In addition, the Appeals Committee cannot substitute its own judgment by insisting that its own evaluative interpretation of the evidence in a tenure and/or promotion case replace that of the ART Committee or the Area Committee. The Appeals Committee's finding is definitive in regard to whether adequate consideration was given, but any recommendations that the Appeals Committee might offer for remedying or correcting a procedural violation are advisory only.

The Appeals Committee must prepare and send to the appellant, to the ART Committee or the Area Committee, and to the President, a written report explaining the basis for its findings and, if any, its recommendations. Given a finding of inadequate consideration, the ART Committee or the Area Committee, in turn, shall notify the Appeals Committee, the appellant, and the President, in writing, with rationale, of all actions taken to remedy or correct the procedural violation in its reconsideration of the case.

Procedure

A quorum of the Appeals Committee shall consist of all five (5) members.

Initiating an Appeal

An appeal (a charge of inadequate consideration) may be made by the candidate or on behalf of the candidate by the candidate's advocate or any member of the ART Committee or Area Committee. Any member of the ART Committee or the Area Committee who believes inadequate consideration has occurred has the responsibility of so informing the Committee and the candidate if the Committee should fail to correct the inadequacy of consideration.

The appellant shall notify the Chair of the Appeals Committee in writing of his/ her intention to appeal. Those seeking redress from inadequate consideration will submit to the Appeals Committee in writing a statement charging inadequate consideration that includes the grounds for the appeal as well as any information pertinent to the case. The charge must be made with specificity concerning the nature of inadequate consideration and the place in the process where it occurred. The Appeals Committee shall send a copy of this written statement to the individual(s) or the chair of the committee charged with the alleged inadequate consideration.

The written statement charging inadequate consideration by an Area Committee may be made at any time from the point of the alleged infraction up to thirty days after the committee's report is delivered to the candidate by the chair of the area committee.

The written statement charging inadequate consideration by the ART Committee may be made at any time from the point of the alleged infraction up to thirty days from the date of the letter from the President to the candidate informing him/her of the action taken on the recommendation by the ART Committee.

The burden of proof shall lie with the person or persons claiming inadequate consideration.

If the appellant is not the candidate, the Chair shall notify the candidate that an appeal is being made.

If the appellant is not the candidate, all references in the appeals process to the "appellant" as the recipient of notifications and informative communications regarding an appeal shall be understood to refer also to the candidate.

Evidence

In a given case, the Appeals Committee, bound by confidentiality as described in this Handbook, shall have access to all existing materials and reports from those meetings of the ART Committee and/or the Area Committee in which that committee discussed the candidate who is appealing.

The Appeals Committee may, at its option, offer the opportunity for the appellant(s) and/or candidate if not the same, to be heard and answer questions related to the basis of his/her appeal on an informal basis. In the event of such an invitation, it is for the appellant(s) to decide whether or not to accept the Appeals Committee's invitation. If a candidate refuses the invitation, such refusal may not then form part of the review by the Appeals Committee. Candidates are not allowed legal counsel at the Appeals Committee hearing. The Appeals Committee may also seek information from members of the Area Committee and the ART Committee.

Findings

The Appeals Committee will inform the appellant of its disposition of the case, that is, (a) a finding requiring a reconsideration by the ART Committee and/or the Area Committee, or (b) that the Appeals Committee finds no basis for action on the appellant's case.

If a majority of the Appeals Committee finds that inadequate consideration occurred, the chair of the Appeals Committee will send a statement of the committee's findings and their basis to the Chair of the ART Committee and/or Area Committee that require a reconsideration be made and the basis for the "inadequate consideration" be corrected. The statement will provide both clarity and specificity regarding the place in the process and the nature of inadequate consideration. A copy of this statement will be provided to the appellant.

In cases where a majority of the Appeals Committee finds no basis for a judgment of inadequate consideration, a statement of the Committee's conclusions will be sent to the Chair of the ART Committee and/or the Area Committee. A copy of this statement will be provided to the appellant.

The statement of findings from the Appeals Committee ordinarily will be made within 90 days of the receipt of the statement of charges of inadequate consideration by the appellant.

8.13.3 Reconsideration by Evaluating Committee

If the Appeals Committee's findings require reconsideration by either or both the Area Committee or the ART Committee, those committee(s) must so reconsider the case in the light of the findings of the Appeals Committee and with the express purpose of correcting the procedural violation. Argument should be confined to tenure criteria affected by the procedural violation.

The ART Committee and/or the Area Committee shall notify the Appeals Committee in writing, with rationale, of its disposition of the case. This written notification will describe specifically how the procedural violation was corrected. The written notification from the ART Committee and/or Area Committee ordinarily will be completed within 60 days of the report from the Appeals Committee. A copy of this written notification will be provided to the appellant.

8.13.4 Resolution of Disputed Reconsideration

If the ART Committee and/or the Area Committee do not carry out or fails, in the view of the Appeals Committee, to satisfy the requirement for reconsideration from the Appeals Committee, the members of the Appeals Committee and the ART Committee and/or Area Committee will meet to resolve the issue. This meeting should ordinarily take place within 30 days of the written notification from the ART Committee and/or Area Committee. If the issue, or any similar procedural issues, cannot be resolved, a report from the Appeals Committee and the ART Committee and/or Area Committee shall be forwarded to the President who will resolve the issue. Upon deciding the issue, the President will provide notification of his/her decision in writing, with rationale, to the appellant, the ART Committee and/or Area Committee, and the Appeals Committee.

The findings of the Appeals Committee may only be appealed to the Board of Trustees.

8.14 Tenure Review for Faculty Seeking Tenure on Appointment

Academic departments must request and provide rationale in writing for the option of seeking tenure on appointment. This request is directed to the Dean of the School who, upon review, shall forward it to the Provost/VPAA who will decide whether tenure on appointment is to be available as an option in regard to that faculty position. This option must be authorized by the Provost/VPAA before the search for that position has begun. Should an exception be sought after a search has begun, the same process for requesting authorization must be followed, but an additional rationale for the exception must be provided both by the department and by the Dean.

When the option of tenure on appointment for a full-time faculty member is pursued, tenure review is to be conducted as follows:

8.14.1 Review Process

For appointment to the faculty with tenure, the tenured faculty on the search committee (usually the department) recommending such appointment will initiate the process by seeking all materials necessary for an Area Committee to review and assess. The Area Committee will then formulate its recommendation and write a report stating its rationale, giving a copy to the candidate. Upon receiving a complete package of tenure materials for review and the written report of the area committee, the ART Committee will complete its consideration of the case

and forward its written recommendation to the President within 15 working days. However, if the ART Committee finds, at any point, that a package of tenure materials under consideration is incomplete, the timeline for consideration is suspended. Cases to be considered by the ART Committee must be received by April 15 (and found to be complete) to be acted upon before the end of the current academic year.

Both the Area Committee and the ART Committee will inform the Search Committee of their recommendations.

8.14.2 Materials to be Provided for Review

The Search Committee should work with candidates to assemble and provide for review as much of the following material as can reasonably be obtained:

1. A complete current curriculum vitae that includes detailed information on educational background, employment history, publications and professional activities, committee and other non-teaching activities in the academic community,
2. Letters of recommendation addressing (as a collection) teaching, scholarship, and service,
3. Official graduate school transcripts,
4. To the extent possible,
 - i. Recent evaluations of performance as a faculty member,
 - ii. Evaluations of teaching (including student evaluations),
 - iii. Course materials, including syllabi and exams,
 - iv. Copies of what the candidate considers his or her most significant scholarly work and
 - v. Other representative samples of scholarly work,
5. A detailed description, with corroboration such as a letter from the candidate's previous Dean, of the process by which the candidate was previously granted tenure.

Previous tenure that was awarded based on a process of faculty review will be considered positive evidence for tenure and may be weighed in accordance with the role/extent of faculty review in that previous tenure process.

All of the evidence gathered by the Search Committee regarding a candidate must be included in the materials for review. The candidate may offer any other evidence deemed relevant and may provide a personal statement interpreting his/her record in relation to the tenure criteria.

8.15 Review for Faculty Seeking Appointment at Advanced Rank

The option of appointment at advanced rank, without tenure consideration, must be authorized by the Provost/VPAA before completion of the search process.

8.15.1 Review Process

When the option of appointment at advanced rank without tenure consideration is pursued, the tenured faculty of the department will initiate the process by presenting a written recommendation with rationale and supporting materials to the Appointment, Rank and Tenure Committee for its review, assessment, and written recommendation to the President. Upon receiving a complete package of materials for review and the written report of the Area Committee, the ART Committee will complete its consideration of the case and forward its written recommendation to the President within 15 working days. However, if the ART Committee finds, at any point, that a package of materials under consideration is incomplete, the timeline for consideration is suspended. Cases to be considered by the ART Committee must be received by April 15 (and found to be complete) to be acted upon before the end of the current academic year.

8.15.2 Materials to be Provided for Review

The department should work with the candidate to assemble and provide for review as much of the following material as can reasonably be obtained:

1. A complete current curriculum vitae that includes detailed information on educational background, employment history, publications and professional activities, committee and other non-teaching activities in the academic community,
2. Letters of recommendation addressing (as a collection) teaching, scholarship, and service,
3. Official graduate school transcripts,
4. To the extent possible,
 - ~ Recent evaluations of performance as a faculty member,
 - ~ Evaluations of teaching (including student evaluations),
 - ~ Course materials, including syllabi and exams,
 - ~ Copies of what the candidate considers his/her most significant scholarly work and other representative samples of scholarly work.

All of the evidence gathered by the department regarding a candidate must be included in the materials for review. The candidate may offer any other evidence deemed relevant and may provide a personal statement interpreting his/her record in relation to the criteria for the requested rank.

8.15.3 Criteria and Standards

Any requirements specific to the requested rank are the same as those stated in the definition of the rank in this Handbook.

The criteria and standards for judgments to recommend or not recommend appointment at advanced rank, without tenure consideration, are the same as those for judgments regarding

petitions by current faculty for advancement in rank without tenure consideration, with the following modifications: A judgment that there is sufficient evidence of teaching effectiveness and a judgment that there is sufficient evidence of scholarly and professional achievement may be made on the basis of a body of submitted evidence that is less complete and/or less detailed than expected or required for petitions by current faculty for advancement in rank. Normally a record of service appropriate to the previous institution is also expected.

Judgments regarding the sufficiency of evidence for appointment at advanced rank are made in the expectation that a more complete body of evidence will be submitted and considered when and/or if the candidate stands for tenure. Consequently, they may differ from subsequent judgments based on a larger body of evidence and are not to be considered as evidence in themselves.

8.16 Severance Policies and Procedures

8.16.1 Resignation

A faculty member may terminate their appointment effective at the end of an academic year, provided the faculty member gives notice in writing at the earliest opportunity, but not later than 30 days after receiving notification of the terms of their appointment for the coming year. In an emergency, a case of hardship or where the faculty member would otherwise be denied substantial professional advancement or other opportunity, the faculty member may request a waiver of this requirement of notice.

8.16.2 Retirement

The College conforms to federal and state legislation pertaining to retirement practices. There are no government laws that mandate retirement at any age.

8.16.3 Termination of Tenured Faculty or Untenured Before End of Specified Term

Termination of an appointment with continuous tenure, or of an untenured appointment before the end of the specified term, may be effected by the College upon due notice but only for adequate cause, financial exigency, changes in educational program or medical reasons. The burden of establishing the fact that adequate cause or financial exigency exist rests with the College and shall be satisfied by clear and convincing evidence considered as a whole.

8.17 Financial Exigency/Changes in Educational Program/Medical Reasons

Should the cause alleged be (a) financial exigency, (b) discontinuation of a program or department of instruction, or (c) mental or physical incapacity on the part of the appointee, the procedures followed will be as follows and are intended to embody and are drawn from those stipulated in Regulation 4 of the 1982 *Recommended Institutional Regulations on Academic Freedom and Tenure* formulated by the American Association of University Professors.

Financial Exigency

Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably *bona fide* financial exigency, i.e., an imminent financial crisis, which threatens the survival of the institution as a whole and that cannot be alleviated by less drastic means.

A faculty body shall participate in the decision that a condition of financial exigency exists or is imminent and that all feasible alternatives to termination of appointments have been pursued.

Judgments determining where within the overall academic program termination of appointments may occur involve considerations of educational policy as well as of faculty status and should therefore be the primary responsibility of the Faculty or of an appropriate faculty body. The Faculty or an appropriate faculty body should also exercise primary responsibility in determining the criteria for identifying the individuals whose appointments are to be terminated. These criteria should appropriately include considerations of length of service.

The responsibility for identifying individuals whose appointments are to be terminated should be committed to a person or group designated or approved by the Faculty. The allocation of this responsibility may vary according to the extent of the terminations to be made or other considerations of fairness in judgment. The case of a faculty member given notice of proposed termination of appointment will be governed by the following procedure:

If the Administration issues notice to a particular faculty member of an intention to terminate the appointment because of financial exigency, the faculty member will have the right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to those for *Dismissal for Cause*, but the essentials of an on-the-record adjudicative hearing will be observed. The issues in this hearing may include:

- The existence and extent of the condition of financial exigency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced.

- The validity of the educational judgments and the criteria for identification for termination. Here the recommendations of a faculty body on these matters will be considered presumptively valid.
- Whether the criteria are being properly applied in the individual case.

If the College, because of financial exigency, terminates appointments, it will not at the same time make new appointments except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result.

Before terminating an appointment because of financial exigency, the College, with faculty participation, will make every effort to place the faculty member concerned in another position within the College.

In all cases of termination of appointment because of financial exigency, the faculty member concerned will be given notice or severance salary not less than as prescribed in this *Handbook*.

In all cases of termination of appointment because of financial exigency, the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

Discontinuance of Program or Department Not Mandated by Financial Exigency

Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur as a result of *bona fide* formal discontinuance of a program or department of instruction. The following standards and procedures will apply:

- (1) The decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, as determined primarily by the Faculty as a whole or an appropriate committee thereof.

“Educational considerations” do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.

- (2) Before the Administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the College will make every effort to place the faculty member concerned in another position. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such

training will be proffered. If no position is available within the College, with or without retraining, the faculty member's appointment then may be terminated, but only with provision for severance salary not less than as prescribed below under *Terminal Salary or Notice*.

- (3) A faculty member may appeal a proposed relocation or termination resulting from discontinuance and has a right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to those for *Dismissal for Cause*, but the essentials of an on-the-record adjudicative hearing will be observed. The issues in such a hearing may include the College's failure to satisfy any of the conditions specified in *Discontinuance of Program or Department Not Mandated by Financial Exigency*. In such a hearing a faculty determination that a program or department is to be discontinued will be considered presumptively valid, but the burden of proof on other issues will rest on the administration.

Termination Because of Physical or Mental Disability

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, because of physical or mental disability, will be based upon clear and convincing medical evidence that the faculty member, even with reasonable accommodation, is no longer able to perform the essential duties of the position. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the Faculty Committee on Appointment, Rank and Tenure before a final decision is made by the governing board on the recommendation of the Administration. The faculty member will be given severance salary not less than as prescribed below under *Terminal Salary or Notice*.

8.17.1 Dismissal for Cause

Should the cause alleged be that of serious shortcomings on the part of the faculty member in the discharge of his/her professional duties (termination thus constituting dismissal), the procedures will be as follows and are meant to embody and are drawn from those stipulated in Regulations 5 and 6 of the 1982 *Recommended Institutional Regulations on Academic Freedom and Tenure* formulated by the American Association of University Professors.

- (a) Adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.
- (b) Dismissal of a faculty member with continuous tenure or with a special or probationary appointment before the end of the specified term will be preceded by: (1) discussions between the faculty member and appropriate administrative officers looking toward a

mutual resolution; (2) informal inquiry by the duly elected Faculty Committee on Appointment, Rank and Tenure which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; (3) a statement of charges, framed with reasonable particularity by the President or the President's delegate.

- (c) A dismissal, as defined in (a), will be preceded by a statement of reasons, and the individual concerned will have the right to be heard initially by the specially elected Faculty Hearing Committee. Members deeming themselves disqualified for bias or interest will remove themselves from the case, either at the request of a party or on their own initiative. Each party will have a maximum of two challenges without stated cause.
- Pending a final decision by the hearing committee, the faculty member will be suspended or assigned to other duties in lieu of suspension only if immediate harm to the faculty member or others is threatened by continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status through the College's hearing procedures, the administration will consult with the Faculty Committee on Appointment, Rank and Tenure concerning the propriety, the length, and the other conditions of the suspension. A faculty member who has been suspended will either be returned to his/her former position or will face dismissal for cause. Salary will continue during the period of the suspension.
 - The hearing committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to (i) simplify the issues, (ii) effect stipulations of facts, (iii) provide for the exchange of documentary or other information, and (iv) achieve such other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious.
 - Service of notice of hearing with specific charges in writing will be made at least twenty days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the hearing tribunal will evaluate all available evidence and rest its recommendation upon the evidence in the record.
 - During the proceedings the faculty member will be permitted to have an academic advisor and counsel of the faculty member's choice.
 - At the request of either party or the hearing committee, a representative of a responsible educational association will be permitted to attend the proceedings as an observer.
 - A verbatim record of the hearing or hearings will be taken and a typewritten copy will be made available to the faculty member without cost at the faculty member's request.
 - The burden of proof that adequate cause exists rests with the College and will be

satisfied only by clear and convincing evidence in the record considered as a whole.

- The hearing committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The Administration will cooperate with the hearing committee in securing witnesses and making available documentary and other evidence.
- The faculty member and the Administration will have the right to confront and cross-examine all witnesses with no attorneys present. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories.
- In the hearing of charges of incompetence, the testimony will include that of qualified faculty members from this or other institutions of higher education.
- The hearing committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- The findings of fact and the decision will be based solely on the hearing record.
- Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the governing board of the institution. The President and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.
- If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the hearing committee concludes that adequate cause for a dismissal has been established but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons. If the President rejects the report, the President will state the reasons for doing so, in writing, to the hearing committee and to the faculty member, and provide an opportunity for response before transmitting the case to the governing board.

8.17.2 Procedures for Imposition of Sanctions Other Than Dismissal

If the Administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the Administration may institute a proceeding to impose such a severe sanction; the procedures outlined in *Dismissal for Cause*

will govern such a proceeding.

If the Administration believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a reprimand, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity (not including a hearing) to persuade the Administration that the proposed sanction should not be imposed.

A faculty member who believes that a major sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may petition the ART Committee for such action as may be appropriate.

8.17.3 Terminal Salary or Notice

If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule:

- At least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service;
- At least six months, if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service;
- At least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure.

This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct that justified dismissal involved moral turpitude. On the recommendation of the Faculty Hearing Committee or the President, the governing board, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

Appendix A

AAUP Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments

Except for special appointments clearly designated at the outset as involving only a brief association with the institution, all full-time faculty appointments are either with continuous tenure or probationary for tenure. Procedures bearing on the renewal or nonrenewal of probationary appointments are this statement's concern.

THE PROBATIONARY PERIOD: STANDARDS AND CRITERIA

The 1940 *Statement of Principles on Academic Freedom and Tenure* prescribes that “during the probationary period a teacher should have the academic freedom that all other members of the faculty have.” The Association's *Recommended Institutional Regulations on Academic Freedom and Tenure* prescribe further that “all members of the faculty, whether tenured or not, are entitled to protection against illegal or unconstitutional discrimination by the institution, or discrimination on a basis not demonstrably related to the faculty member’s professional performance....” A number of the rights of nontenured faculty members provide support for their academic freedom and protection against improper discrimination. They cannot, for example, be dismissed before the end of a term appointment except for adequate cause that has been demonstrated through academic due process – a right they share with tenured members of the faculty. If they assert that they have been given notice of nonreappointment in violation of academic freedom or because of improper discrimination, they are entitled to an opportunity to establish their claim in accordance with Regulation 10 of the *Recommended Institutional Regulations*. They are entitled to timely notice of nonreappointment in accordance with the schedule prescribed in the statement on *Standards for Notice of Nonreappointment*.²⁷

Lacking the reinforcement of tenure, however, academic freedom and protection against improper discrimination for probationary faculty members have depended primarily upon the understanding and support of their tenured colleagues, the administration, and professional

²⁷ The "Standards for Notice" are as follows:

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination;
2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;
3. At least twelve months before the expiration of an appointment after two or more years in the institution.

organizations, especially the American Association of University Professors. In the *Statement on Government of Colleges and Universities*, the Association and the other sponsoring organizations have asserted that “faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.” Collegial deliberation of the kind envisioned by the *Statement on Government* will minimize the risk of a violation of academic freedom, of improper discrimination, and of a decision that is arbitrary or based on inadequate consideration.

Frequently, young faculty members have had no training or experience in teaching, and their first major research endeavor may still be uncompleted at the time they start their careers as college teachers. Under these circumstances, it is particularly important that there be a probationary period – a maximum of seven years under the *1940 Statement of Principles on Academic Freedom and Tenure* – before tenure is granted. Such a period gives probationary faculty members time to prove themselves, and their colleagues time to observe and evaluate them on the basis of their performance in the position rather than on the basis only of their education, training, and recommendations.

Good practice requires that the institution (department, college, or university) define its criteria for reappointment and tenure and its procedures for reaching decisions on these matters. The *1940 Statement of Principles* prescribes that “the precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.” Moreover, fairness to probationary faculty members prescribes that they be informed, early in their appointments, of the substantive and procedural standards that will be followed in determining whether or not their appointments will be renewed or tenure will be granted.

The Association accordingly recommends:

1. *Criteria and Notice of Standards.* Probationary faculty members should be advised, early in their appointment, of the substantive and procedural standards generally accepted in decisions affecting renewal and tenure. Any special standards adopted by their particular departments or schools should also be brought to their attention.

THE PROBATIONARY PERIOD: EVALUATION AND DECISION

The relationship of the senior and junior faculty should be one of collegiality, even though nontenured faculty members know that in time they will be judged by their senior colleagues. Thus the procedures adopted for evaluation and possible notification of nonrenewal should not endanger this relationship where it exists, and should encourage it where it does not. Nontenured faculty members should have available to them the advice and assistance of their senior colleagues; and the ability of senior colleagues to make a sound decision on renewal or tenure will be enhanced if an opportunity is provided for a regular review of the candidate's qualifications. A conjunction of the roles in counseling and evaluation may be productive: for example, an evaluation, whether interim or at the time of final determination of renewal or tenure, should be presented in such a manner as to assist nontenured faculty members as they strive to improve their performance.

Any recommendation regarding renewal or tenure should be reached by an appropriate faculty group in accordance with procedures approved by the Faculty. Because it is important to both the faculty member and the decision-making body that all significant information be considered, the candidate should be notified that a decision is to be made regarding renewal of appointment or the granting of tenure and should be afforded an opportunity to submit material that the candidate believes to be relevant to the decision.

The Association accordingly recommends:

2. (a) *Periodic Review*. There should be provision for periodic review of a faculty member's situation during the probationary service.
- (b) *Opportunity to Submit Material*. Probationary faculty members should be advised of the time when decisions affecting renewal and tenure are ordinarily made, and they should be given the opportunity to submit material that they believe will be helpful to an adequate consideration of their circumstances.

Observance of the practices and procedures outlined above should minimize the likelihood of reasonable complaint if nontenured faculty members are given notice of nonreappointment. They will have been informed of the criteria and procedures for renewal and tenure; they will have been counseled by faculty colleagues; they will have been given an opportunity to have all material relevant to their evaluation considered; and they will have a timely decision representing the views of faculty colleagues.

NOTICE OF REASONS

Since 1971 it has been the Association's position, reached after careful examination of advantages and disadvantages, that nontenured faculty members notified of nonreappointment should, upon request, receive a statement of the reasons for the decision. In reaching this position, the Association considered the needs both of the institution and of the individual faculty member.

A major responsibility of the institution is to recruit and retain the best qualified faculty within its goals and means. In a matter of such fundamental importance, the institution, through the appropriate faculty agencies, must be accorded the widest latitude consistent with academic freedom, equal opportunity, and the standards of fairness. The Association recognized that the requirement of giving reasons could lead, however erroneously, to an expectation that the decision-making body must justify its decision. A notice of nonreappointment could thus become confused with dismissal for cause, and under these circumstances the decision-making body could become reluctant to reach adverse decisions which could culminate in grievance procedures. As a result there was some risk that the important distinction between tenure and probation would be eroded.

Weighed against these important institutional concerns, however, were the interests of the individual faculty members. They could be honestly unaware of the reasons for a negative decision, and the decision could be based on a judgment of shortcomings that they could easily

remedy if informed of them. A decision not to renew an appointment could be based on erroneous information that the faculty member could readily correct if informed of the basis for the decision. Again, the decision could be based on considerations of institutional policy or program development which have nothing to do with the faculty member's professional competence, and if not informed of the reasons the faculty member could mistakenly assume that a judgment of inadequate performance has been made. In the face of a persistent refusal to supply the reasons, a faculty member may be more inclined to attribute improper motivations to the decision-making body or to conclude that its evaluation has been based upon inadequate consideration. If the faculty member wished to request a reconsideration of the decision, or a review by another body, ignorance of the reasons for the decision would create difficulties both in reaching a decision whether to initiate such a request and in presenting a case for reconsideration or review.

The Association's extensive experience with specific cases since 1971 has confirmed its conclusion that the reasons in support of the faculty member's right to be informed outweigh the countervailing risks. Every notice of nonreappointment, however, need not be accompanied by a written statement of the reasons for nonreappointment. It may not always be to the advantage of the faculty member to be informed of the reasons for nonreappointment, particularly in writing. The faculty member may be placed under obligation to divulge them to the appointing body of another institution if it inquired. Similarly, a written record is likely to become the basis for continuing responses by the faculty member's former institution to prospective appointing bodies.

At many institutions, moreover, the procedures of evaluation and decision may make it difficult, if not impossible, to compile a statement of reasons which precisely reflects the basis of the decision. When a number of faculty members participate in the decision, they may oppose a reappointment for a variety of reasons, few or none of which may represent a majority view. To include every reason, no matter how few have held it, in a written statement to the faculty member may misrepresent the general view and damage unnecessarily both the morale and the professional future of the faculty member.

In many situations, of course, a decision not to reappoint will not reflect adversely upon the faculty member. An institution may, for example, find it necessary for financial or other reasons to restrict its offerings in a given department. The acquisition of tenure may depend not only upon satisfactory performance but also upon a long-term opening. Nonrenewal in these cases does not suggest a serious adverse judgment. In these situations, providing a statement of reasons, either written or oral, should pose no difficulty, and such a statement may in fact assist the faculty member in searching for a new position.

Should the faculty member, after weighing the considerations cited above, decide to request the reasons for the decision against reappointment, the reasons should be given. The faculty member also should have the opportunity to request reconsideration by the decision-making body.

The Association accordingly recommends:

3. *Notice of Reasons.* In the event of a decision not to renew an appointment, the faculty member should be informed of the decision in writing, and, upon request, be advised of

the reasons that contributed to that decision. The faculty member should also have the opportunity to request reconsideration by the decision-making body.

WRITTEN REASONS

Having been given orally the reasons which contributed to the decision against reappointment, the faculty member, to avoid misunderstanding, may request that they be confirmed in writing. The faculty member may wish to petition the appropriate faculty committee, in accordance with Regulation 10 of the Association's *Recommended Institutional Regulations*, to consider an allegation that the reasons given, or that other reasons which were not stated, constitute a violation of academic freedom or improper discrimination. The faculty member may wish to petition a committee, in accordance with Regulation 15 of the *Recommended Institutional Regulations*, to consider a complaint that the decision resulted from inadequate consideration and was therefore unfair. The faculty member may believe that a written statement of reasons may be useful in pursuing a professional career.

If the department chair or other appropriate institutional officer to whom the request is made believes that confirming the oral statement in writing may be damaging to the faculty member on grounds such as those cited earlier in this statement, it would be desirable for that officer to explain the possible adverse consequences of confirming the oral statement in writing. If in spite of this explanation the faculty member continues to request a written statement, the request should be honored.

The Association accordingly recommends:

4. *Written Reasons.* If the faculty member expresses a desire to petition the grievance committee (such as is described in Regulations 10 and 15 of the Association's *Recommended Institutional Regulations*), or any other appropriate committee, to use its good offices of inquiry, recommendation, and report, or if the request is made for any other reason satisfactory to the faculty member alone, the reasons given in explanation of the nonrenewal should be confirmed in writing.

REVIEW PROCEDURES: ALLEGATIONS OF VIOLATION OF ACADEMIC FREEDOM OR OF DISCRIMINATION

The best safeguard against a proliferation of grievance petitions on a given campus is the observance of sound principles and procedures of academic freedom and tenure and of institutional government. Observance of the procedures recommended in this statement – procedures which would provide guidance to nontenured faculty members, help assure them of a fair professional evaluation, and enlighten them concerning the reasons contributing to key decisions of their colleagues – should contribute to the achievement of harmonious faculty relationships and the development of well-qualified faculties.

Even with best practices and procedures, however, faculty members will at times think that they have been improperly or unjustly treated and may wish another faculty group to review a decision of the faculty body immediately involved. The Association believes that fairness to both the individual and the institution requires that the institution provide for such a review when it is requested. The possibility of a violation of academic freedom or of improper discrimination is of vital concern to the institution as a whole, and where either is alleged it is of cardinal importance to the Faculty and the administration to determine whether substantial grounds for the allegation exist. The institution should also be concerned to see that decisions respecting reappointment are based upon adequate consideration, and provision should thus be made for a review of allegations by affected faculty members that the consideration has been inadequate.

Because of the broader significance of a violation of academic freedom or of improper discrimination, the Association believes that the procedures to be followed in these two kinds of complaints should be kept separate from a complaint over adequacy of consideration. Regulation 10 of the *Recommended Institutional Regulations* provides a specific procedure for the review of complaints of academic freedom violation or of discrimination:²⁸

If a faculty member on probationary or other nontenured appointment alleges that a decision against reappointment was based significantly on considerations violative of (1) academic freedom or (2) governing policies on making appointments without prejudice with respect to race, sex, religion, national origin, age, disability, marital status, or sexual orientation, the allegation will be given preliminary consideration by the [insert name of committee], which will seek to settle the matter by informal methods. The allegation will be accompanied by a statement that the faculty member agrees to the presentation, for the consideration of the faculty committees, of such reasons and evidence as the institution may allege in support of its decision. If the difficulty is unresolved at this stage, and if the committee so recommends, the matter will be heard in the manner set forth in Regulations 5 and 6, except that the faculty member making the complaint is responsible for stating the grounds upon which the allegations are based, and the burden of proof will rest upon the faculty member. If the faculty member succeeds in establishing a *prima facie* case, it is incumbent upon those who made the decision against reappointment to come forward with evidence in support of their decision. Statistical evidence of improper discrimination may be used in establishing a *prima facie* case.

The Association accordingly recommends:

5. Petition for Review Alleging an Academic Freedom Violation or Improper Discrimination. Insofar as the petition for review alleges a violation of academic freedom or improper discrimination, the functions of the committee that reviews the faculty member's petition should be the following:
 - (a) to determine whether or not the notice of nonreappointment constitutes on its face a violation of academic freedom or improper discrimination;
 - (b) to seek to settle the matter by informal methods;

²⁸ Faculties processing complaints under Regulations 10 and 15 may wish to secure the further advice of the Association's Washington Office.

- (c) if the matter remains unresolved, to decide whether or not the evidence submitted in support of the petition warrants a recommendation that a formal proceeding be conducted in accordance with Regulations 5 and 6 of the *Recommended Institutional Regulations*, with the burden of proof resting upon the complaining faculty member.

REVIEW PROCEDURES: ALLEGATIONS OF INADEQUATE CONSIDERATION

Complaints of inadequate consideration are likely to relate to matters of professional judgment, where the department or departmental agency should have primary authority. For this reason, the basic functions of the review committee should be to determine whether the appropriate faculty body gave adequate consideration to the faculty member's candidacy in reaching its decision and, if the review committee determines otherwise, to request reconsideration by that body.

It is easier to state what the standard "adequate consideration" does not mean than to specify in detail what it does. It does not mean that the review committee should substitute its own judgment for that of members of the department on the merits of whether the candidate should be reappointed or given tenure. The conscientious judgment of the candidate's departmental colleagues must prevail if the invaluable tradition of departmental autonomy in professional judgments is to prevail. The term "adequate consideration" refers essentially to procedural rather than to substantive issues: Was the decision conscientiously arrived at? Was all available evidence bearing on the relevant performance of the candidate sought out and considered? Was there adequate deliberation by the department over the import of the evidence in the light of the relevant standards? Were irrelevant and improper standards excluded from consideration? Was the decision a *bona fide* exercise of professional academic judgment? These are the kinds of questions suggested by the standard "adequate consideration."

If in applying this standard the review committee concludes that adequate consideration was not given, its appropriate response should be to recommend to the department that it assess the merits once again, this time remedying the inadequacies of its prior consideration.

An acceptable review procedure, representing one procedural system within which such judgments may be made, is outlined in Regulation 15 of the *Recommended Institutional Regulations*, as follows:

If any faculty member alleges cause for grievance in any matter not covered by the procedures described in the foregoing regulations, the faculty member may petition the elected faculty grievance committee [here name the committee] for redress. The petition will set forth in detail the nature of the grievance and will state against whom the grievance is directed. It will contain any factual or other data that the petitioner deems pertinent to the case. Statistical evidence of improper discrimination, including discrimination in salary, may be used in establishing a *prima facie* case. The committee will decide whether or not the facts merit a detailed investigation: if the faculty member succeeds in establishing a *prima facie* case, it is incumbent upon those who made the decision to come forward with evidence in support of their decision. Submission of a

petition will not automatically entail investigation or detailed consideration thereof. The committee may seek to bring about a settlement of the issue satisfactory to the parties. If in the opinion of the committee such a settlement is not possible or is not appropriate, the committee will report its findings and recommendations to the petitioner and to the appropriate administrative officer and faculty body, and the petitioner will, upon request, be provided an opportunity to present the grievance to them. The grievance committee will consist of three [or some other number] elected members of the Faculty. No officer of administration will serve on the committee.

The Association accordingly recommends:

6. *Petition for Review Alleging Inadequate Consideration.* Insofar as the petition for review alleges inadequate consideration, the functions of the committee which reviews the faculty member's petition should be the following:
 - (a) to determine whether the decision of the appropriate faculty body was the result of adequate consideration, with the understanding that the review committee should not substitute its judgment on the merits for that of the faculty body;
 - (b) to request reconsideration by the faculty body when the committee believes that adequate consideration was not given to the faculty member's qualifications (in such instances, the committee should indicate the respects in which it believes that consideration may have been inadequate);
 - (c) to provide copies of its report and recommendation to the faculty member, the faculty body, and the President or other appropriate administrative officer.

Appendix B

AAUP 1982 Recommended Institutional Regulations on Academic Freedom and Tenure

Recommended Institutional Regulations on Academic Freedom and Tenure *set forth, in language suitable for use by an institution of higher education, rules which derive from the chief provisions and interpretations of the 1940 Statement of Principles on Academic Freedom and Tenure and of the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings. The Recommended institutional Regulations were first formulated by Committee A on Academic Freedom and Tenure in 1957. A revised and expanded text, approved by Committee A in 1968, reflected the development of Association standards and procedures as set forth in the 1961 Statement on Recruitment and Resignation of Faculty Members, the 1964 Standards for Notice of Nonreappointment, and the 1966 Statement on Government of Colleges and Universities. Texts with further revisions were approved by Committee A in 1972 and again in 1976.*

The current revision, approved by Committee A in 1982 (with a footnote added in 1990), is based upon the Association's continuing experience in evaluating regulations actually in force at particular institutions. The 1982 revision is also based upon further definition of the standards and procedures of the Association as set forth in the 1970 Interpretive Comments on the 1940 Statement of Principles, the 1971 Council Statement on Freedom and Responsibility, the 1971 Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments, the 1972 Statement of Principles on Leaves of Absence, recommended procedure adopted by the Council in 1976 on Termination of Faculty Appointments Because of Financial Exigency, Discontinuance of a Program or Department, or Medical Reasons, the 1976 policy On Discrimination, and the 1977 statement On Processing Complaints of Discrimination on the Basis of Sex. The Association will be glad to assist in interpretation of the regulations or to consult about their incorporation in, or adaptation to, the rules of a particular college or university.

FOREWORD

These regulations are designed to enable the [named institution] to protect academic freedom and tenure and to ensure academic due process. The principles implicit in these regulations are for the benefit of all who are involved with or are affected by the policies and programs of the institution. A college or university is a marketplace of ideas, and it cannot fulfill its purposes of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. In the words of the United States Supreme Court, "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."

1. STATEMENT OF TERMS OF APPOINTMENT

- (a) The terms and conditions of every appointment to the faculty will be stated or confirmed in writing, and a copy of the appointment document will be supplied to the faculty member. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member.
- (b) With the exception of special appointments clearly limited to a brief association with the institution, and reappointments of retired faculty members on special conditions, all full-time faculty appointments are of two kinds: (1) probationary appointments; (2) appointments with continuous tenure.
- (c) Except for faculty members who have tenure status, every person with a teaching or research appointment of any kind will be informed each year in writing of the renewal of the appointment and of all matters relative to eligibility for the acquisition of tenure.

2. PROBATIONARY APPOINTMENTS

- (a) Probationary appointments may be for one year, or for other stated periods, subject to renewal. The total period of full-time service prior to the acquisition of continuous tenure will not exceed ____ years,²⁹ including all previous full-time service with the rank of instructor or higher in other institutions of higher learning [*except* that the probationary period may extend to as much as four years, even if the total full-time service in the profession thereby exceeds seven years; the terms of such extension will be stated in writing at the time of initial appointment].³⁰ Scholarly leave of absence for one year or less will count as part of the probationary period as if it were prior service at another institution, unless the individual and the institution agree in writing to an exception to this provision at the time the leave is granted.
- (b) The faculty member will be advised, at the time of initial appointment, of the substantive standards and procedures generally employed in decisions affecting renewal and tenure. Any special standards adopted by the faculty member's department or school will also be transmitted. The faculty member will be advised of the time when decisions affecting renewal or tenure are ordinarily made, and will be given the opportunity to submit material believed to be helpful to an adequate consideration of the faculty member's circumstances.
- (c) Regardless of the stated term or other provisions of any appointments, written notice that a probationary appointment is not to be renewed will be given to the faculty

²⁹ Under the "1940 Statement of Principles on Academic Freedom and Tenure," this period may not exceed seven years.

³⁰ The exception here noted applies only to an institution whose maximum probationary period exceeds four years.

member in advance of the expiration of the appointment, as follows: (1) not later than March 1 of the first academic year of service if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; (2) not later than December 15 of the second academic year of service if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination; (3) at least twelve months before the expiration of an appointment after two or more years of service at the institution. The institution will normally notify faculty members of the terms and conditions of their renewals by March 15, but in no case will such information be given later than ____.³¹

- (d) When a faculty recommendation or a decision not to renew an appointment has first been reached, the faculty member involved will be informed of that recommendation or decision in writing by the body or individual making the initial recommendation or decision; the faculty member will be advised upon request of the reasons which contributed to that decision. The faculty member may request a reconsideration by the recommending or deciding body.
- (e) If the faculty member so requests, the reasons given in explanation of the nonrenewal will be confirmed in writing.
- (f) Insofar as the faculty member alleges that the decision against renewal by the appropriate faculty body was based on inadequate consideration, the committee³² which reviews the faculty member's allegation will determine whether the decision was the result of adequate consideration in terms of the relevant standards of the institution. The review committee will not substitute its judgment on the merits for that of the faculty body. If the review committee believes that adequate consideration was not given to the faculty member's qualifications, it will request reconsideration by the faculty body, indicating the respects in which it believes the consideration may have been inadequate. It will provide copies of its findings to the faculty member, the faculty body, and the President or other appropriate administrative officer.

3. TERMINATION OF APPOINTMENT BY FACULTY MEMBERS

Faculty members may terminate their appointments effective at the end of an academic year, provided that they give notice in writing at the earliest possible opportunity, but not later than May 15, or thirty days after receiving notification of the terms of appointment for the coming year, whichever date occurs later. Faculty members may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

³¹ April 15 is the recommended date.

³² This committee, which can be the grievance committee noted in Regulation 15, is to be an elected faculty body. Similarly, the members of the committees noted in Regulations 4(c)(2), 4(d)(3), and 10 are to be elected. A committee of faculty members appointed by an appropriate elected faculty body can substitute for a committee that is elected directly. [Preceding note adopted by Committee A in June 1990.]

4. TERMINATION OF APPOINTMENTS BY THE INSTITUTION

- (a) Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may be effected by the institution only for adequate cause.
- (b) If termination takes the form of a dismissal for cause, it will be pursuant to the procedures specified in Regulation 5.

Financial Exigency

- (c)(1) Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably *bona fide* financial exigency, i.e., an imminent financial crisis, which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means.

[NOTE: Each institution in adopting regulations on financial exigency will need to decide how to share and allocate the hard judgments and decisions that are necessary in such a crisis.

As a first step, there should be a faculty body which participates in the decision that a condition of financial exigency exists or is imminent,³³ and that all feasible alternatives to termination of appointments have been pursued.

Judgments determining where within the overall academic program termination of appointments may occur involve considerations of educational policy, including

³³ See “The Role of the Faculty in Budgetary and Salary Matters” (*AAUP Bulletin* 62 [1976]: 379-81), and especially the following passages:

The faculty should participate both in the preparation of the total institutional budget and (within the framework of the total budget) in decisions relevant to the further apportioning of its specific fiscal divisions (salaries, academic programs, tuition, physical plant and grounds, etc.). The soundness of resulting decisions should be enhanced if an elected representative committee of the faculty participates in deciding on the overall allocation of institutional resources and the proportion to be devoted directly to the academic program. This committee should be given access to all information that it requires to perform its task effectively, and it should have the opportunity to confer periodically with representatives of the administration and governing board. . . .

Circumstances of financial exigency obviously pose special problems. At institutions experiencing major threats to their continued financial support, the faculty should be informed as early and specifically as possible of significant impending financial difficulties. The faculty – with substantial representation from its nontenured as well as its tenured members, since it is the former who are likely to bear the brunt of the reduction – should participate at the department, college or professional school, and institution-wide levels in key decisions as to the future of the institution and of specific academic programs within the institution. The faculty, employing accepted standards of due process, should assume primary responsibility for determining the status of individual faculty members.

affirmative action, as well as of faculty status, and should therefore be the primary responsibility of the faculty or of an appropriate faculty body.³⁴ The faculty or an appropriate faculty body should also exercise primary responsibility in determining the criteria for identifying the individuals whose appointments are to be terminated. These criteria may appropriately include considerations of length of service.

The responsibility for identifying individuals whose appointments are to be terminated should be committed to a person or group designated or approved by the faculty. The allocation of this responsibility may vary according to the size and character of the institution, the extent of the terminations to be made, or other considerations of fairness in judgment. The case of a faculty member given notice of proposed termination of appointment will be governed by the following procedure.]

- (2) If the administration issues notice to a particular faculty member of an intention to terminate the appointment because of financial exigency, the faculty member will have the right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Regulation 5, but the essentials of an on-the-record adjudicative hearing will be observed. The issues in this hearing may include:
 - (i) The existence and extent of the condition of financial exigency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced.
 - (ii) The validity of the educational judgments and the criteria for identification for termination; but the recommendations of a faculty body on these matters will be considered presumptively valid.
 - (iii) Whether the criteria are being properly applied in the individual case.
- (3) If the institution, because of financial exigency, terminates appointments, it will not at the same time make new appointments except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result.
- (4) Before terminating an appointment because of financial exigency, the institution, with faculty participation, will make every effort to place the faculty member

³⁴ See "Statement on Government of Colleges and Universities" (*Academe* 76 [May-June 1990]: 45-48), and especially the following passage:

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy.

concerned in another suitable position within the institution.

- (5) In all cases of termination of appointment because of financial exigency, the faculty member concerned will be given notice or severance salary not less than as prescribed in Regulation 8.
- (6) In all cases of termination of appointment because of financial exigency, the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

*Discontinuance of Program or Department Not Mandated by Financial Exigency*³⁵

- (d) Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur as a result of *bona fide* formal discontinuance of a program or department of instruction. The following standards and procedures will apply.
 - (1) The decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof.

[NOTE: "Educational considerations" do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.]

- (2) Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution will make every effort to place the faculty member concerned in another suitable position. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. If no position is available within the institution, with or without retraining, the faculty member's appointment then may be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of past and potential service.

[NOTE: When an institution proposes to discontinue a program or department of instruction, it should plan to bear the costs of relocating, training, or otherwise compensating faculty members adversely affected.]

- (3) A faculty member may appeal a proposed relocation or termination resulting from a discontinuance and has a right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Regulation 5, but the essentials of an on-the-record adjudicative hearing will be

³⁵ When discontinuance of a program or department is mandated by financial exigency of the institution, the standards of Regulation 4(c) above will apply.

observed. The issues in such a hearing may include the institution's failure to satisfy any of the conditions specified in Regulation 4(d). In such a hearing a faculty determination that a program or department is to be discontinued will be considered presumptively valid, but the burden of proof on other issues will rest on the administration.

Termination for Medical Reasons

- (e) Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the Faculty Committee on Academic Freedom and Tenure [or whatever title it may have] before a final decision is made by the governing board on the recommendation of the administration. The faculty member will be given severance salary not less than as prescribed in Regulation 8.

Review

- (f) In cases of termination of appointment, the governing board will be available for ultimate review.

5. DISMISSAL PROCEDURES

- (a) Adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.
- (b) Dismissal of a faculty member with continuous tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by: (1) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement; (2) informal inquiry by the duly elected faculty committee [insert name of committee] which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; (3) a statement of charges, framed with reasonable particularity by the President or the President's delegate.
- (c) A dismissal, as defined in Regulation 5(a), will be preceded by a statement of reasons, and the individual concerned will have the right to be heard initially by the elected faculty hearing committee [insert name of committee].³⁶ Members deeming themselves

³⁶ This committee should not be the same as the committee referred to in Regulation 5(b)(2).

disqualified for bias or interest will remove themselves from the case, either at the request of a party or on their own initiative. Each party will have a maximum of two challenges without stated cause.³⁷

- (1) Pending a final decision by the hearing committee, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status through the institution's hearing procedures, the administration will consult with the Faculty Committee on Academic Freedom and Tenure [or whatever other title it may have] concerning the propriety, the length, and the other conditions of the suspension. A suspension which is intended to be final is a dismissal, and will be treated as such. Salary will continue during the period of the suspension.
- (2) The hearing committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to (i) simplify the issues, (ii) effect stipulations of facts, (iii) provide for the exchange of documentary or other information, and (iv) achieve such other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious.
- (3) Service of notice of hearing with specific charges in writing will be made at least twenty days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the hearing tribunal will evaluate all available evidence and rest its recommendation upon the evidence in the record.
- (4) The committee, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private.
- (5) During the proceedings the faculty member will be permitted to have an academic advisor and counsel of the faculty member's choice.
- (6) At the request of either party or the hearing committee, a representative of a responsible educational association will be permitted to attend the proceedings as an observer.
- (7) A verbatim record of the hearing or hearings will be taken and a typewritten copy will be made available to the faculty member without cost, at the faculty member's request.
- (8) The burden of proof that adequate cause exists rests with the institution and will be satisfied only by clear and convincing evidence in the record considered as a whole.

³⁷ Regulations of the institution should provide for alternates, or for some other method of filling vacancies on the hearing committee resulting from disqualification, challenge without stated cause, illness, resignation, or other reason.

- (9) The hearing committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- (10) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the hearing committee in securing witnesses and making available documentary and other evidence.
- (11) The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories.
- (12) In the hearing of charges of incompetence, the testimony will include that of qualified faculty members from this or other institutions of higher education.
- (13) The hearing committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- (14) The findings of fact and the decision will be based solely on the hearing record.
- (15) Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the governing board of the institution. The President and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.
- (16) If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the President rejects the report, the President will state the reasons for doing so, in writing, to the hearing committee and to the faculty member, and provide an opportunity for response before transmitting the case to the governing board. If the hearing committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons.

6. ACTION BY THE GOVERNING BOARD

If dismissal or other severe sanction is recommended, the President will, on request of the faculty member, transmit to the governing board the record of the case. The governing board's review will be based on the record of the committee hearing, and it will provide opportunity for argument, oral or written or both, by the principals at the hearings or by their representatives. The decision of the hearing committee will either be sustained or the proceeding returned to the

committee with specific objections. The committee will then reconsider; taking into account the stated objections and receiving new evidence if necessary. The governing board will make a final decision only after study of the committee's reconsideration.

7. PROCEDURES FOR IMPOSITION OF SANCTIONS OTHER THAN DISMISSAL

- (a) If the administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the administration may institute a proceeding to impose such a severe sanction; the procedures outlined in Regulation 5 will govern such a proceeding.
- (b) If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a reprimand, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a major sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may, pursuant to Regulation 15, petition the faculty grievance committee for such action as may be appropriate.

8. TERMINAL SALARY OR NOTICE

If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service; at least six months, if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the Faculty Hearing Committee or the President, the governing board, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

9. ACADEMIC FREEDOM AND PROTECTION AGAINST DISCRIMINATION

- (a) All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, formulated by the Association of American Colleges and the American Association of University Professors.
- (b) All members of the faculty, whether tenured or not, are entitled to protection against illegal or unconstitutional discrimination by the institution, or discrimination on a basis not demonstrably related to the faculty member's professional performance,

including but not limited to race, sex, religion, national origin, age, disability, marital status, or sexual orientation.

10. COMPLAINTS OF VIOLATION OF ACADEMIC FREEDOM OR OF DISCRIMINATION IN NONREAPPOINTMENT

If a faculty member on probationary or other nontenured appointment alleges that a decision against reappointment was based significantly on considerations violative of (1) academic freedom or (2) governing policies on making appointments without prejudice with respect to race, sex, religion, national origin, age, disability, marital status, or sexual orientation, the allegation will be given preliminary consideration by the [insert name of committee], which will seek to settle the matter by informal methods. The allegation will be accompanied by a statement that the faculty member agrees to the presentation, for the consideration of the faculty committees, of such reasons and evidence as the institution may allege in support of its decision. If the difficulty is unresolved at this stage, and if the committee so recommends, the matter will be heard in the manner set forth in Regulations 5 and 6, except that the faculty member making the complaint is responsible for stating the grounds upon which the allegations are based, and the burden of proof will rest upon the faculty member. If the faculty member succeeds in establishing a *prima facie* case, it is incumbent upon those who made the decision against reappointment to come forward with evidence in support of their decision. Statistical evidence of improper discrimination may be used in establishing a *prima facie* case.

11. ADMINISTRATIVE PERSONNEL

The foregoing regulations apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. Administrators who allege that a consideration violative of academic freedom, or of governing policies against improper discrimination as stated in Regulation 10, significantly contributed to a decision to terminate their appointment to an administrative post, or not to reappoint them, are entitled to the procedures set forth in Regulation 10.

12. POLITICAL ACTIVITIES OF FACULTY MEMBERS

Faculty members, as citizens, are free to engage in political activities. Where necessary, leaves of absence may be given for the duration of an election campaign or a term of office, on timely application, and for a reasonable period of time. The terms of such leave of absence will be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to.³⁸

[NOTE: Regulations 13, 14, and 15 are suggested in tentative form, and will require adaptation to the specific structure and operations of the institution; the provisions as recommended here are intended only to indicate the nature of the provisions to be included, and not to offer

³⁸ See "Statement on Professors and Political Activity," *AAUP Bulletin* 55 (1969): 388-89.

specific detail.]

13. GRADUATE STUDENT ACADEMIC STAFF

- (a) The terms and conditions of every appointment to a graduate or teaching assistantship will be stated in writing, and a copy of the appointment document will be supplied to the graduate or teaching assistant.
- (b) In no case will a graduate or teaching assistant be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.)
- (c) A graduate or teaching assistant who establishes a *prima facie* case to the satisfaction of a duly constituted committee that a decision against reappointment was based significantly on considerations violative of academic freedom, or of governing policies against improper discrimination as stated in Regulation 10, will be given a statement of reasons by those responsible for the nonreappointment and an opportunity to be heard by the committee.
- (d) Graduate or teaching assistants will have access to the faculty grievance committee, as provided in Regulation 15.

14. OTHER ACADEMIC STAFF

- (a) In no case will a member of the academic staff³⁹ who is not otherwise protected by the preceding regulations which relate to dismissal proceedings be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.)
- (b) With respect to the nonreappointment of a member of such academic staff who establishes a *prima facie* case to the satisfaction of a duly constituted committee that a consideration violative of academic freedom, or of governing policies against improper discrimination as stated in Regulation 10, significantly contributed to the nonreappointment, the academic staff member will be given a statement of reasons by those responsible for the nonreappointment and an opportunity to be heard by the committee.

15. GRIEVANCE PROCEDURE

- (a) If any faculty member alleges cause for grievance in any matter not covered by the procedures described in the foregoing regulations, the faculty member may petition the elected faculty grievance committee [here name the committee] for redress. The petition

³⁹ Each institution should define with particularity who are members of the academic staff.

will set forth in detail the nature of the grievance and will state against whom the grievance is directed. It will contain any factual or other data which the petitioner deems pertinent to the case. Statistical evidence of improper discrimination, including discrimination in salary,⁴⁰ may be used in establishing a *prima facie* case. The committee will decide whether or not the facts merit a detailed investigation; if the faculty member succeeds in establishing a *prima facie* case, it is incumbent upon those who made the decision to come forward with evidence in support of their decision. Submission of a petition will not automatically entail investigation or detailed consideration thereof. The committee may seek to bring about a settlement of the issue satisfactory to the parties. If in the opinion of the committee such a settlement is not possible or is not appropriate, the committee will report its findings and recommendations to the petitioner and to the appropriate administrative officer and faculty body, and the petitioner will, upon request, be provided an opportunity to present the grievance to them. The grievance committee will consist of three [or some other number] elected members of the faculty. No officer of administration will serve on the committee.

NOTE ON IMPLEMENTATION

The Recommended Institutional Regulations here presented will require for their implementation a number of structural arrangements and agencies. For example, the Regulations will need support by:

- (a) channels of communication among all the involved components of the institution, and between them and a concerned faculty member;
- (b) definitions of corporate and individual faculty status within the college or university government, and of the role of the faculty in decisions relating to academic freedom and tenure;
- (c) appropriate procedures for the creation and operation of faculty committees, with particular regard to the principles of faculty authority and responsibility.

The forms which these supporting elements assume will of course vary from one institution to another. Consequently, no detailed description of the elements is attempted in these *Recommended Institutional Regulations*. With respect to the principles involved, guidance will be found in the 1966 *Statement on Government of Colleges and Universities*.

⁴⁰ See Elizabeth L. Scott, *Higher Education Salary Evaluation Kit* (Washington, D.C.: American Association of University Professors, 1977).

Appendix C

Appointment, Rank and Tenure Standard Solicitation Letters

Handbook Text

The standard solicitation letters for Areas I, II, and III are provided below and were approved by the Faculty Senate as Motion 09-10-06 on May 6, 2010 for use in all tenure and promotion cases. They are written in a format that assumes the candidate is an Assistant Professor seeking tenure and promotion. It is expected that Advocates will change the necessary wording of the letters to reflect specific appointment, rank and tenure circumstances such as an Associate Professor seeking tenure only or seeking promotion to full Professor, but will not change other wording that would alter the substance of the letters which gives them their standard quality.

AREA I

<<date>>

<<addressBlock>>

Dear <<Name>>,

Assistant Professor <<CandidateName>>, has applied for tenure and promotion to Associate Professor of <<CandidateDepartment>> at Merrimack College and I am the faculty member responsible for collecting feedback from <<his/her>> past and current students. Therefore, I am asking that you please write an evaluation of Professor <<CandidateName>>'s ability to teach effectively and contribute to students' learning and development. Please know your opinion counts.

The tenure committee treats these evaluations as important evidence that will be used, with other information, to make its decision this year. All information is welcomed but it is very important to include specific, descriptive explanations to support the points you are making about the professor. In particular, the tenure committee is interested in your specific descriptions of whether Professor <<CandidateName>> made the course more engaging, improved students' abilities to think critically and communicate more effectively, provided valuable feedback to students, or enhanced the learning process. Please explain what the professor did and how it affected your development.

In addition, the committee is also interested in learning how Professor <<CandidateName>> interacted with students outside the classroom. For example, this professor may have been your advisor or may have been involved with other college activities (e.g., clubs, performances, etc.). I ask you to also include your evaluation in these areas, as well. The tenure committee

would like to get a full picture of how this professor contributed to the College and impacted students outside the classroom, as well.

In accord with the tenure policy at Merrimack College, Professor <<CandidateName>> has the right to review all materials submitted in <<his/her>> tenure case, thus all letters are non-confidential. <add line for just current student version that stipulates that all letters from current students will not have the student's name on them – anonymous>. If you have any questions, please feel free to contact me at: <<Email/phone>>.

Please mail or email your letter to <<Email>>. In order for your input to be considered, letters need to be submitted by <<date>>.

Thank you for your time.

Sincerely,

AREA II

<<date>>

<<AddressBlock>>

Dear Professor <<LastName>> ,

Assistant Professor <<CandidateName>> is a candidate for tenure and promotion to the rank of Associate Professor in the <<CandidateDepartment>> at Merrimack College. During the next year two faculty committees will evaluate <<his/her>> performance in the areas of teaching effectiveness, scholarly and related professional achievement, and community service. As <<his/her>> advocate in this process I am requesting letters of evaluation from individuals who are qualified to provide critical comment.

<<CandidateName>> has identified you as someone who can provide information about the quality and significance of << candidate's>> scholarly work and/or professional accomplishments. We would appreciate very much your evaluation of <<CandidateName>>'s achievements in these areas as well as your assessment of the promise <<candidate >> holds for future academic accomplishments. It would be especially helpful to us if you would supply specific commentary on the quality and significance of particular works and provide us with the basis for your evaluation. I have included samples of << the candidate's>> work to aid you in this process. In addition, I have included a copy of <<candidate's >> curriculum vitae and our institution's tenure and promotion criteria for scholarly and professional achievement.⁴¹ If you have first-hand knowledge of <<the candidate's >> teaching or service to the community, your observations about those aspects are also welcome.

Your letter will become part of <<CandidateName>>'s application materials. In accord with the tenure policy at Merrimack College, <<CandidateName>> has the right to review all

⁴¹Motion 14-15-04: Passed on November 18, 2014

materials in <<the candidate's>> dossier. Thus all letters are non-confidential.

Please send your response directly to me in printed form or as an attachment to my email address. In order for your input to be considered, letters need to be submitted by <<date>>. The faculty greatly appreciates your efforts in sharing your observations with us. Thank you for your time and attention to this matter.

Sincerely,

<<Email>>:

AREA III

<<date>>

<<addressBlock>>

Dear Professor <<LastName>>,

Assistant Professor <<CandidateName>> has applied for tenure and promotion to Associate Professor of <<CandidateDepartment>> at Merrimack College. << CandidateName>> will be evaluated over the next year by faculty committees.

A positive tenure and promotion judgment requires that candidates demonstrate “a high level of achievement in, and an ongoing commitment to, their principal faculty roles. These roles are defined in terms of teaching, scholarly development and achievement, and community service.” As Professor <<CandidateName>>'s advocate, I am soliciting letters from faculty, staff and professional colleagues who are familiar with <<their>> service to the community. You served with <<them>> in the following context:

<<Name of Committees and/or Relevant Context>>

Your comments concerning <<his/her>> specific contributions in the area of community service form a very important and necessary part of the evidence considered by the faculty committees evaluating <<him/her>>. Feel free to add any information you may also have regarding <<his/her>> teaching and scholarly activities as well.

Please send your response directly to me in printed form or as an attachment to an email. Your reply, to be addressed to me, will be used only by the evaluating committees as part of the tenure process. In accord with the tenure policy at Merrimack College, Professor <<CandidateName>> has the right to review all materials in <<his/her>> dossier, thus all letters are non-confidential.

In order for your input to be considered, letters need to be submitted by <<date>>. The faculty greatly appreciates your efforts in sharing your observations with us. Thank you for your time and attention to this matter.

Sincerely,

<<Email>>:

Appendix D

Merrimack College Faculty Development Grant Application Form

Merrimack College Faculty Development Grant Application Form

For the period ____through _____

Please read the FDG proposal guidelines carefully before completing this form.

Name _____ Department _____
 Position _____ School _____
 Topic of Proposed Project _____

Check one Category: A _____ B _____ C _____ (refer to Section I for categories)

Applicant's Field _____

Total Amount Requested \$ _____

Time Period From _____ to _____

Reference: [One colleague qualified to evaluate your proposal who has been requested to submit a supporting letter of recommendation to the F.D.G. Committee]

Name _____

Position _____

Business _____

Address _____

Phone # _____

Abstract of Proposed Project: [Please confine to this space]

Budget: [append additional sheets if necessary]

1. Replacement Costs [academic year grants only]

2. Summer Salary Stipend

3. Clerical Expenses [normally for summer grants only @ current hourly rates]

4. Books [indicate purpose]:

5. Travel [compute local transportation at @ standard mileage rate]

6. Lodging [indicate dates, locations and rates]

7. Tuition & Fees [documentation is required]

8. Equipment [detail by type; see **Section V**; equipment becomes property of the college]

9. Special Materials and Supplies [see **Section V**]

10. Other:

Total Amount Requested: _____

Other Support [Indicate the amount and kind of support received for this particular project from other sources]

_____ Date: _____
Applicant's Signature [indicates that materials are complete and information is accurate]

_____ Date: _____
Department Chair's Signature

_____ Date: _____
Faculty Dean's Signature

Appendix E

Academic Policy and Procedures for Disability Services and/or Accommodations in Academic Programming

[Passed by the Faculty Senate April 8, 1997; revised December 6, 2005]

[This document consists of two parts, Policy and Procedure, with only the Policy part requiring Faculty Senate approval for changes.]

Academic Policy

Purpose

Merrimack College recognizes that a rich diversity in its student body, in its faculty, and in its staff and administration is essential to its well-being, both as a human and as an academic community. In this spirit, Merrimack welcomes qualified students with learning disabilities into its educational programs.

Scope of Disability Services in Academic Programming

The College does not provide a comprehensive disabilities program. It does, however, provide students having disabilities with supportive resources and services the aim of which is their participation, in the fullest measure possible, in the life of the College and of learning. The College offers a variety of academic support services and programs to all students, including those with disabilities, who wish to gain more from their studies. Complementing the teaching and advisory work of the Faculty, they include, but are not necessarily limited to: the Study Center, the Mathematics Center, the Writing Center, and the College's counseling service.

Scope of Disability Accommodation in Academic Programming

Accommodations, in this context, are adjustments in the academic programs of students having disabilities the purpose of which is to provide equal opportunities for achievement as their non-disabled peers. Those accommodations are reasonable that do not fundamentally alter the nature of the educational program or service or result in an undue burden being placed on the institution or individual professor. In all cases in which accommodation is sought, students and professors need to collaborate in a creative and good faith effort at proceeding in the most reasonable and effective way possible, an effort undertaken in full recognition of the unique character of individual specific disabilities.

Scope of Student Participation

Students with disabilities are recognized as protected under the provisions of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990. They are therefore entitled to the services and accommodations prescribed by those acts.

Disability is defined as any physical or mental impairment that substantially limits one or more major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working. “Substantially limited” generally means that a person is unable to perform a major life activity that an average person in the general population can perform.

Students are under no obligation to identify themselves as having disabilities. Any student, entitled to accommodations under the Rehabilitation Act of 1973 and the Americans with Disabilities Act, who wishes services and/or accommodations must disclose their specific disability through the College’s procedures for such disclosure to ensure appropriate confidentiality and clarity related to the services and accommodations needed.

Appeals

Any student who believes the services and/or accommodations they have received are inappropriate and/or have been inappropriately delivered may appeal through the Appeal and Grievance Procedures for Disability Services and/or Accommodations in Academic Programming. Likewise, any student who wishes to file a grievance related to disability services and/or accommodations in academic programming may do so through the Appeal and Grievance Procedures for Disability Services and/or Accommodations in Academic Programming.

[The preceding Policy requires Faculty Senate approval for changes; the following Procedures implementing the approved policy are subject to changes which do not require Faculty Senate approval.]

Academic Procedures

Self-identification and Documentation

Applicants Having Disabilities. Students applying to the College who have specific disabilities may choose to inform the admissions office and/or the ADA Academic Advisor. The College asks that they do this for the sole purpose of establishing an effective working relationship as early as possible. Students should understand that they are under no obligation to identify themselves as having disabilities and that their disclosure will not have any bearing on their candidacy for admission. In addition, they should understand that any information they furnish regarding their disabilities will be maintained on a confidential basis and will be disclosed only with their consent.

Currently Enrolled Students Having Disabilities. Currently enrolled students who have disabilities and who wish to make the most effective use possible of the academic support services the College provides should contact the College’s ADA Academic Advisor.

Documentation Needed by Students Seeking Accommodations. All students, whether newly entering or already enrolled, who wish to disclose their specific disability and therefore be entitled to accommodations under the Rehabilitation Act of 1973 and the Americans with Disabilities Act, must provide the ADA Academic Advisor with appropriate documentation of their disabilities. For the documentation to be appropriate, the following or equivalent conditions must be met:

1. The testing establishing the learning disabilities must be comprehensive, including **at a minimum** the Wechsler Intelligence Scale for Children or the Wechsler Adult Intelligence Scale-Revised and/or the Woodcock-Johnson Psycho-Educational Battery-Revised;
2. The testing establishing other disabilities, such as ADHD, psychiatric disabilities, physical disabilities, or other disabilities not included here, must include documentation and a letter from a certified or licensed psychologist, psychiatrist, or mental health worker, or a physician;
3. The report describing the results of the testing must include the actual data and test scores;
4. The testing must be current, having been conducted, in most cases, within the previous three years for learning disabilities and on a yearly basis for other specific disabilities;
5. The testing must have been conducted and the report must be signed by a qualified professional, e.g., a trained and certified or licensed psychologist, psychiatrist or mental health worker, learning disabilities specialist, or physician;
6. The testing and data must present clear and specific evidence of the presence of a disability and offer specific recommendations of the student's academic capabilities and strengths as well as weaknesses;
7. The prescribing of any accommodations must be based upon the diagnosis made.

The ADA Academic Advisor will help students needing or desiring diagnostic testing arrange for it by providing them with references to area specialists. Students must bear the financial responsibility for such testing.

Accommodations and the Student-Faculty Collaboration

The law requires that reasonable accommodations be made for students having disabilities upon their request. Accommodations, in this context, are adjustments in the academic programs of students having disabilities the purpose of which is to provide equal opportunities for achievement as their non-disabled peers. Those accommodations are reasonable that do not fundamentally alter the nature of the educational program or service or result in an undue burden being placed on the institution or individual professor. The ADA Academic Advisor is always available to assist the Faculty in implementing academic accommodations.

Academic accommodations in any form must be arranged through the ADA Academic Advisor's office.

Students wishing accommodations in a particular course must provide appropriate documentation to and meet with the ADA Academic Advisor in the Study Center to (1) review the documentation and determine the appropriate accommodations and (2) complete the appropriate student accommodation letters for each course. This meeting must be held as early as possible, preferably before the semester starts. The letters will outline the accommodations that are available for that particular student.

To secure accommodations, the student must then meet with all professors from whom they desire accommodations, deliver the accommodation letters, obtain each professor's signature, and then return a copy of each letter to the ADA Academic Advisor. If there are any questions regarding the specific accommodations, the ADA Academic Advisor is always available for clarification. Students, professors and the ADA Academic Advisor shall keep signed copies of the accommodation letters.

Appeals

Any students who believe the services and accommodations they have received are unsatisfactory should contact the ADA Academic Advisor to begin the appeals process.

In all cases in which no mutually satisfying agreement can be reached between students asking for accommodations and the professors or staff being asked to provide them, the matter shall be referred to a committee consisting of the Chair of the department or the program director, the Dean of the School, and the Director of Academic Support Services. If no mutually satisfying agreement can be reached within one week of referral, the matter shall be referred to the Provost and Vice President for Academic Affairs for a final decision.

Academic Support Services

The College offers a variety of academic support services and programs to all students, including those with disabilities, who wish to gain more from their studies. Complementing the teaching and advisory work of the Faculty, they include the following.

The Study Center offers individual academic consultation with peer and professional tutors and academic counselors to all students. In addition, the Center provides students having disabilities with the services of a professional academic counselor trained in disabilities. The help obtained there can include advice on the selection of courses, on the development of academic programs, or assistance in dealing with challenges encountered within them.

The professional and peer tutors of the Mathematics and Writing Centers and peer tutors in various other departments are also available, on either a drop-in or an appointment basis, to help students, whether having disabilities or not, to gain more from their studies.

Finally, the College's counseling service, located in Hamel Health Center, will provide counseling in the Center or make referrals to community therapists as appropriate. The counseling service staff is experienced in working with students on disability-related issues.

Appendix F

Simplified Guidelines for Parliamentary Procedure

[The Faculty Senate adopted (October 12, 1999) the attached document entitled Simplified Guidelines for Parliamentary Procedure as guide for the conduct of Faculty Senate meetings and procedures, retaining Robert's Rules of Order as the definitive source for resolving procedural disputes.]

Table of Basic Points of Motions

Adapted from: Robert, Henry M., III and William J. Evans, eds., *Robert's Rules of Order Newly Revised, 9th Edition*.

<i>P a g e</i>	<i>S e c t i o n</i>	<i>R u l e</i>		<i>S e c o n d R e q u i r e d</i>	<i>D e b a t a b l e</i>	<i>A m e n d a b l e</i>	<i>V o t e R e q u i r e d</i>	<i>M a j o r i t y</i>	<i>M a j o r i t y</i>
PRIVILEGED MOTIONS									
23 2	21	1	Adjourn	Yes	No	No	Maj.	No	No
22 9	20	2	Recess	Yes	No	Yes	Maj.	No	No
22 3	19	3	Question or Point of Privilege	No	No	No	Non e	No	Yes
21 7	18	4	Orders of the Day	No	No	No	One r	No	Yes
SUBSIDIARY MOTIONS									

99	17	5	Lay on the Table	Ye s	No	No	Maj.	No	No
97	16	6	Previous Question	Ye s	No	No	2/3	Ye r	No
96	15	7	Limit or Extend Limits of Debate	Ye s	No	Yes	2/3	Ye r	No
94	14	8	Postpone to a Certain Time	Ye s	Yes	Yes	Maj. r	Yes	No
92	13	9	Commit or refer	Ye s	Yes	Yes	Maj.	Ye r	No
89	12	10	Amend (or substitute)	Ye s	Yes r	Yes	Maj.	Yes	No
87	11	11	Postpone indefinitely	Ye s	Yes	No	Maj.	Ye r	No
INCIDENTAL MOTIONS									
28 3	32	*	Requests and Inquiries	No					Yes
27 8	30	*	Motions Related to Methods of Voting	Ye s	No	Yes	Maj. r	Ye r	No
27 2	28	*	Consideration by Paragraph or Seriatim	Ye s	No	Yes	Maj.	No	No
25 9	25	*	Suspension of Rules	Ye s	No	No	2/3 r	No	No
25 4	24	*	Appeal	Ye s	Yes r	No	Maj. r	Yes	Ye r
24 7	23	*	Point of Order	No	No r	No	Non e	No	Yes
MAIN MOTIONS									
97	10	Non e	Main Motion	Ye s	Yes	Yes	Var.	Yes	No
30 9	36	†	Reconsider or rescind	Ye s	†	No	Maj.	No	No r
29 4	33	Non e	Take from the table	Ye s	No	No	Maj.	No	No
30 4	35	Non e	Discharge a Committee from Further Consideration	Ye s	Yes	Yes	2/3 r	Neg	No

r Some restrictions apply

* Same rank as motion out of which they arise

† Same rank and debatable to same extent as motion being reconsidered

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Basic Principles

Introduction

Group process, that is, the process of individuals interacting with each other in a group, is a richly complex and intriguing phenomenon. The shifting alliances and rivalries of subgroups and the emergence and clash of dominant personalities can be fascinating to study. Yet, as anyone who has attempted to work with a group to a practical end will attest, the emergence of some kinds of group dynamics can thwart, or completely sabotage, achievement of the group's goals.

Systematic rules of parliamentary procedure have gradually evolved over centuries. Their purpose is to facilitate the business of the group and to ensure an equal opportunity for all group members to contribute to and participate in conducting the business.

Robert's Rules of Order is the most commonly used system of parliamentary procedure in North America. The current edition, on which this resource is based, runs to over 300 pages. An attempt has been made to extract the most important ideas and most commonly used procedures, and to package these in a short, simple, accessible and understandable form.

To successfully play a game, one needs to know the rules. These are the basic rules by which almost all committees and associations operate. After browsing this resource, the reader will hopefully feel comfortable to confidently participate in the work of the Faculty Senate.

Rules for Decorum in Debate

The spirit of the Faculty Senate meetings should be one of free and open debate. The President is the arbiter of the rules of debate. A ruling from the President on a parliamentary question will stand unless a motion to appeal the ruling is seconded and a majority of the members vote against sustaining the ruling of the President. No one has the right to criticize the ruling of the President unless he or she appeals the decision. To ensure that the rights of all members are protected, the following general rules are applied.

Members should address only the President or each other through the President.

- No one should speak unless the President recognizes him or her. Only one speaker will have the floor at a time.
- Discussion is confined to the question before the assembly. No person, in speaking, is to indulge in personalities.
- Senate officers should always be referred to by their official titles.
- When possible the speaker should avoid referring to previous speakers by name or in the second person as "you."
- Although the nature or consequences of a measure may be condemned in strong terms, it is not permissible to arraign the motives of its advocates.

- Anyone wishing to question another should address the question to the President. The speaker should not be interrupted except for a point of order or a question of privilege.
- No one should speak at length unless a motion is pending; no one should speak impertinently, superfluously, tediously, or beside the question.
- A vote that has already passed should not be reflected upon adversely unless the speaker intends to move to reconsider or rescind it.

Principles of Parliamentary Procedure

1. The purpose of parliamentary procedure is to make it easier for people to work together effectively and to help groups accomplish their purposes. Rules of procedure should assist a meeting, not inhibit it.
2. All members have equal rights, privileges and obligations. One of the chairperson's main responsibilities is to use the authority of the chair to ensure that all people attending a meeting are treated equally – for example, not to permit a vocal few to dominate debates.
3. A majority vote decides an issue. In any group, each member agrees to be governed by the vote of the majority. Parliamentary rules enable a meeting to determine the will of the majority of those attending a meeting.
4. The rights of the minority must be protected at all times. Although the ultimate decision rests with a majority, all members have such basic rights as the right to be heard and the right to oppose. The rights of all members should be the concern of every member, for a person may be in a majority on one question, but in minority the on the next.
5. Every matter presented for decision should be discussed fully. The right of every member to speak on any issue is as important as each member's right to vote. However, one can be cut off by a vote to move the question or by a fixed time limit for debate.
6. Every member has the right to understand the meaning of any question presented to a meeting, and to know what effect a decision will have. A member always has the right to request information on any motion he or she does not thoroughly understand.

Suggestions for Expediting Senate Business

The President should keep a list of speakers in the order in which he or she becomes aware of their desire to be recognized. Speakers should be recognized in order from the list. No one should be allowed to speak out of turn.

Committees should make periodic progress reports to the Senate and circulate a preliminary report to the members. An open hearing on the preliminary report should be held to discuss important issues before the final report comes to the Senate for approval.

The agenda for the Senate meetings should be clearly delineated with suggested limits on debate for the various items.

Amendments, particularly complex or long substitutions, should be presented to the Senate in writing. Only minor changes in wording should be suggested from the floor.

Procedures Used in Meetings

Quorum of Members

Before a meeting can conduct business it requires a *quorum* – the minimum number of members who must be present at the meeting before business can be legally transacted. The requirement of a quorum is a protection against unrepresentative action in the name of the association by an unduly small number of people. The Senate By-Laws define a quorum as one-third of the Faculty.

The Agenda

The *agenda* consists of the items of business to be discussed by a meeting. The agenda for a given Faculty Senate meeting is considered adopted when it is accepted by the Executive Committee at its regularly scheduled meeting prior to that Faculty Senate meeting.

Items may be added to the agenda after it is adopted by a two-thirds or larger majority at a Faculty Senate meeting.

Items may be added to the agenda prior to its adoption in the following ways:

By Petition: Agenda items may be submitted in writing to the Executive Committee, at least twenty-four hours prior to an Executive Committee meeting, by a petition of at least fifteen faculty members. Agenda items submitted by petition must be placed on the agenda for the next Faculty Senate meeting, and cannot be revised by the Executive Committee without the unanimous consent of the faculty members signing the petition. This means of placing items on the agenda represents the lowest level (i.e., minimal) of review by the Executive Committee.

By a Faculty Senate Committee: Agenda items may be submitted in writing to the Executive Committee, at least twenty-four hours prior to an Executive Committee meeting, by a Faculty Senate Committee. The Executive Committee may exercise some discretion in working with the committee to perfect the language of any agenda items, altering the form of the agenda item (e.g., changing a motion to a discussion item), considering appropriate timing and placement of such an agenda item, and otherwise working with the agenda item. This middle level of review

by the Executive Committee is intended to allow the Executive Committee some latitude in setting a productive and meaningful agenda for Faculty Senate meetings, and is not intended to allow the Executive Committee to block the will of the Faculty Senate Committees, which are the duly empowered agents of the Senate.

By an Individual Faculty Member: Agenda items may be submitted in writing to the Executive Committee by an individual Faculty Member (including members of the Executive Committee). The Executive Committee may exercise discretion in choosing to bring such an agenda item forward or not, in altering the form or substance of the agenda item, and in choosing to support or not to support such an agenda item. If the Executive Committee amends such an agenda item they must receive the permission of the faculty member originally submitting the item to include that faculty member as the sponsor of the agenda item. If such permission is not granted, the Executive Committee may choose to include the agenda item under its own sponsorship. This highest level of review is intended to give the Executive Committee maximum discretion in working with such agenda items.

Once the agenda has been adopted, the business items on it are the property of the meeting, not of the groups or individuals who submitted the items. Any change to the agenda, once it has been adopted, can be made by motion, but any such motions require two-thirds or larger majorities to pass. Once the agenda has been adopted, each item of business on the agenda will come before the meeting unless: (1) no one moves a motion, (2) no one objects to withdrawal suggested by the sponsoring individual or group, (3) a motion to delete an item from the agenda is made and passed with a two-thirds or larger majority, or (4) the meeting runs out of time before the item can be discussed.

Debate on Motions

Business is accomplished in meetings by means of debating *motions*. The word “motion” refers to a formal proposal by two members (the mover and seconder) that the meeting take certain action.

Technically, a meeting should not consider any matter unless it has been placed before the meeting in the form of a motion. In practice, however, it is sometimes advantageous to permit limited discussion of a general topic before a motion is introduced. A preliminary discussion can sometimes indicate the precise type of action that is most advisable, whereas presentation of a motion first can result in a poorly worded motion, or a proposal for action that, in the light of subsequent discussion, seems inadvisable. This departure from strict parliamentary procedure must be used with caution, however. The chair must be careful not to let the meeting get out of control.

Normally, a member may speak only once on the same question, except for the mover of the main motion, who has the privilege of “closing” the debate (that is, of speaking last). If an important part of a member’s speech has been misinterpreted by a later speaker, it is in order for the member to speak again to clarify the point, but no new material should be introduced. If two or more people want to speak at the same time, the chair should call first upon the one who has not yet spoken.

If the member who made the motion that is being discussed claims the floor and has already spoken on the question, the member is entitled to be recognized before other members.

Associations may want to adopt rules limiting the time a member may speak in any one debate—for example, five minutes.

If, during the debate, the mover changes his or her mind, he or she can inform the meeting of the fact by asking the meeting's *permission to withdraw the motion*.

Committee of the Whole

The *committee of the whole house* (“committee of the whole” is the commonly used term) is a procedure used occasionally by meetings. When a meeting resolves itself into a committee, discussion can be much more free. In the committee of the whole for meetings of medium size (about 50-100 members) the results of votes taken in committee are typically reported to the meeting for final consideration under the regular rules.

The procedure is for a member to rise and move: “That this meeting go into committee of the whole to consider...” A seconder is required. Regular rules of order apply as in a meeting, except that members may speak more than once to the same question and that motions made in committee do not require seconds. The committee may consider only the matters referred to it by the meeting (in the motion forming the committee of the whole). No minutes are kept of the committee’s session, although notes should be kept for the purpose of reporting to the meeting. When the committee of the whole has fully considered the matter referred to it, a member will move: “That the committee now rise and report.”

Simplified Rules of Order

How Motions are Classified

For convenience, motions can be classified into four groups:

1. Privileged Motions
2. Subsidiary Motions
3. Incidental Motions
4. Main Motions

The motions fall into a definite order of precedence, which gives a particular rank to each. **The main motion – which does not take precedence over anything – ranks lowest.** Each of the other motions has its proper position in the rank order, taking precedence over the motions that rank below and yielding to those that rank above it. When a motion is on the floor, a motion of greater precedence may be proposed, but no motion of lesser precedence is in order.

At any given time there can be pending only one motion of any one rank. This means that other motions proposed during consideration of a motion can be accepted by the chair *only* if they are

of greater precedence. In voting, the meeting proceeds with the various motions in inverse order – the last one proposed, being of greatest precedence, is the first one to be decided.

It should be noted that “precedence” and “importance” are not synonyms. Indeed, the most important motion – the main motion – is the lowest in precedence.

Privileged Motions

Privileged motions do not relate to the pending business, but concern matters of immediate and overriding importance that, without debate, should take precedence over the main, subsidiary motions, and any privileged motions of lesser precedence. The four privileged motions are:

1. Adjourn
2. Recess
3. Question or Point of Privilege
4. Orders of the Day

Adjourn

A member can propose to close the meeting entirely by moving to adjourn. This motion can be made and the meeting can adjourn even while business is pending, providing that the time for the next meeting is established by a rule of the association or has been set by the meeting. In such a case, unfinished business is carried over to the next meeting. A motion to adjourn may not interrupt another speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and requires a majority vote. If the motion to adjourn has been made, but important matters remain for discussion, the chair may request that the motion to adjourn be withdrawn. A motion can be *withdrawn* only with the consent of the meeting.

Recess

A member can propose a short intermission in a meeting, even while business is pending, by moving to recess for a specified length of time. A motion to take a recess may not interrupt another speaker, must be seconded, is not debatable, can be amended (for example, to change the length of the recess), cannot be reconsidered, and requires a majority vote.

Question or Point of Privilege

If a situation is affecting the comfort, convenience, integrity, rights or privileges of a meeting or of an individual member (for example, noise, inadequate ventilation, introduction of confidential subjects in the presence of guests), a member can *raise a point of privilege*, which permits interrupting pending business to make an urgent statement, request or motion. If the matter is not simple enough to be taken care of informally, the chair rules as to whether it is admitted as a question of privilege and whether it requires consideration before pending business is resumed.

Orders of the Day

The *orders of the day* means the *agenda* or the order of business. If the order of business is not being followed, or if consideration of a question has been set for the present time and is therefore now in order, but the matter is not being taken up, a member may call for the orders of the day, and can thereby require the order of business to be followed, unless the meeting decides by a two-thirds vote to set the orders of the day aside. Such a motion can interrupt another speaker, does not require a seconder, is not debatable, is not amendable, and cannot be reconsidered.

Subsidiary Motions

Subsidiary motions assist a meeting in treating or disposing of a main motion (and sometimes other motions). The subsidiary motions are listed below in ascending order of rank. Each of the motions takes precedence over the main motion and any or all of the motions listed after it. The seven subsidiary motions are:

1. Lay on the Table
2. Previous Question
3. Limit or Extend Limits of Debate
4. Postpone to a Certain Time
5. Commit or Refer
6. Amend (or Substitute)
7. Postpone Indefinitely

Lay on the Table

A motion to lay on the table temporarily sets a motion aside without setting a time for resuming its consideration. The motion can be taken up again whenever the majority so decides. If a subsequent meeting does not lift the question from the table, the effect of the motion to table is to prevent action from being taken on the main motion. No motions can be laid on the table apart from motions that adhere to them; if any one motion is laid on the table all adhering motions go to the table together. A motion to table may not interrupt another speaker, must be seconded, is not debatable, is not amendable, may not be reconsidered, and requires a majority vote.

Previous Question

This is a tactic to close debate on a question. A motion to put the previous question (that is, to vote immediately on the motion being debated) cannot interrupt another speaker, must be seconded, is not debatable, and is not amendable, and requires a two-thirds majority vote. This requirement is important in protecting the democratic process. Without it, a momentary majority of only one vote could deny to the other members all opportunity to discuss any measure the “majority” wanted to adopt or to defeat. Such a motion can be reconsidered, but if the vote was affirmative, it can be reconsidered only before any vote has been taken under it – that is, only before the previous question has been put. A motion to put the previous question has precedence over all other motions listed in this section except the motion to table. If the motion passes, the chair immediately proceeds to call a vote on the question that was being debated.

Limit or Extend Limits of Debate

A motion to limit debate changes the normal rules of debate. It could, for example, limit the time of the whole debate (“I move that debate on this motion be limited to 15 minutes”), or it might limit the time taken by each speaker (“I move that debate on this motion be limited to two minutes per speaker”). A motion to extend debate permits greater participation and time than usual. A motion to limit or extend the time of debate (on one matter or for the entire meeting) may not interrupt a speaker, must be seconded, is not debatable, can be amended, can be reconsidered, and requires a two-thirds majority vote.

Postpone to a Certain Time

If a meeting prefers to consider a main motion later in the same meeting or at a subsequent one, it can move to postpone a motion to a certain time. Such a motion can be moved regardless of how much debate there has been on the motion it proposes to postpone. A motion may be postponed definitely to a specific time or until after some other item of business has been dealt with. When the time to which a motion has been postponed has arrived, the chairperson should state the postponed motion to the meeting for its consideration immediately. If another item of business is being discussed at that time, the chairperson should present the postponed motion immediately after the other business has been concluded. If the meeting, in postponing the original motion has instructed that it be given priority at the time to which it has been postponed the postponed motion is considered “a special order” and interrupts any item of business on the floor at that time. Any “special order” requires a two-thirds majority vote.

A motion to postpone to a definite time may not interrupt another speaker, must be seconded, is debatable only as to the propriety or advisability of postponing and of postponing to the particular time, can be amended, can be reconsidered, and requires a majority vote if the postponement is to a subsequent meeting. However, if the postponement is to a later time in the same meeting, the effect is to *amend the agenda* of that meeting, and the motion therefore requires a two-thirds majority vote.

Commit or Refer

When it is obvious that a meeting does not have enough information to make a wise decision, or when it seems advisable to have a small group work out details that would take too much time in a large meeting, a member may move: “That the question be referred to the _____ committee” (or “to a committee” – not named). A motion to refer cannot interrupt another speaker, must be seconded, is debatable only as to the propriety or advisability of referral, can be amended, can be reconsidered if the group to which the question has been referred has not begun work on the matter, and requires a majority vote.

Amend (or Substitute)

An *amendment* is a motion to change, to add words to, or to omit words from, an original motion. The change is usually to clarify or improve the wording of the original motion and must, of course, be germane to that motion. An amendment cannot interrupt another speaker, must be

seconded, is debatable if the motion to be amended is debatable, may itself be amended by *an amendment to the amendment*, can be reconsidered, and requires a majority vote, even if the motion to be amended requires a two-thirds vote to be adopted.

Postpone Indefinitely

Despite its name, this motion is not one to postpone, but one to suppress or kill a pending main motion. If an embarrassing main motion is brought before a meeting, a member can propose to dispose of the question (without bringing it to a direct vote) by moving to postpone indefinitely. Such a motion can be made at any time except when a speaker has the floor. If passed, the motion kills the matter under consideration. It requires a seconder, may be debated (including debate on the main motion), cannot be amended, can be reconsidered only if the motion is passed, and requires a majority vote.

Incidental Motions

These motions are incidental to the motions or matters out of which they arise. An incidental motion is in order only when it is legitimately incidental to another pending motion or to the business at hand. It then takes precedence over any other motions that are pending – that is, it must be decided immediately. The common incidental motions are:

1. Requests and Inquiries
2. Motions Related to Methods of Voting
3. Consideration by Paragraph or Seriatim
4. Suspension of Rules
5. Appeal
6. Point of Order

Requests and Inquiries

- a. *Parliamentary Inquiry* – a request for the chair’s opinion (not a ruling) on a matter of parliamentary procedure as it relates to the business at hand.
- b. *Point of Information* – a question about facts affecting the business at hand-directed to the chair or, through the chair, to a member.
- c. *Request for Permission to Withdraw or Modify a Motion* – once a motion has been accepted by the chair, or an agenda has been adopted by the meeting, the motion or agenda becomes the property of the meeting. A person may not, therefore, withdraw a motion unilaterally; he or she may do so only with the consent of the meeting. The usual way in which this consent is obtained is for the mover to ask the consent of the meeting to withdraw (or change the wording). If no one objects, the chairperson announces that there being no objections, that the motion is withdrawn or that the modified wording is the motion to be debated. If anyone objects, the chair can put a motion permitting the

member to withdraw (or modify) or any two members may move and second that permission be granted. A majority vote decides the question of modifying a motion – similar to amending the motion. A two-thirds majority is needed for permission to withdraw a motion, as this has the effect of amending the agenda.

- d. *Request to Read Papers, Request to be Excused from a Duty* – typically responded to by the chair, or by a member at the direction of the chair
- e. *Request for Any Other Privilege* – other requests can be granted only by the meeting.

Motions Related to Methods of Voting

If a member doubts the accuracy of the chair's announcement of the results of a vote by show of hands, the member can demand a division of the meeting – that is, a standing vote. Such a demand can interrupt the speaker, does not require a seconder, is not debatable, is not amendable, and cannot be reconsidered. No vote is taken; the demand of a single member compels the standing vote. A member can move that a vote be taken by *roll call*, by ballot or that the *standing votes* be counted if a division of the meeting appears to be inconclusive and the chair neglects to order a count. Such motions may not interrupt another speaker, must be seconded, are not debatable, are amendable, can be reconsidered, and require majority votes. By-Laws may specify a secret ballot for such votes as the election of officers.

Consideration by Paragraph or Seriatim

If a main motion contains several paragraphs or sections that, although not separate questions, could be most efficiently handled by opening the paragraphs or sections to amendment one at a time before the whole is finally voted on, a member can propose a motion *to consider by paragraph or seriatim*. Such a motion may not interrupt another speaker, must be seconded, is not debatable, is amendable, cannot be reconsidered, and requires a majority vote.

Suspension of Rules

Sometimes a meeting wants to take an action, but is prevented from doing so by one of its rules of procedure. In such cases the meeting may vote to suspend the rule(s) that are preventing the meeting from taking the desired action. Such a motion cannot interrupt a speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered and requires a two-thirds majority. Rules of procedure can be suspended, but a meeting may not suspend By-Laws.

Appeal

Any ruling of the chair can be challenged, but such appeals must be made immediately after the ruling. If debate has progressed, then a challenge is not in order. The motion must be seconded, is not amendable, but can be reconsidered. Although *Robert's Rules of Order* allows debate under certain circumstances, the practice of some groups is to allow no debate. Members have no right to criticize a ruling of the chair unless they appeal it.

Point of Order

This motion is used draw attention to what is believed to be an error in procedure or a lack of decorum in debate. The member rises and says: “I rise to a point of order,” or “Point of order.” The chair should recognize the member, who then states the point. The chair will then make an immediate ruling on the question involved. A point of order can interrupt another speaker, does not require a seconder, is not debatable, is not amendable, and cannot be reconsidered.

Main Motions

Main motions bring business before a meeting. Because a meeting can consider only one subject at a time, a main motion can be made only when no other motion is pending. Main motions can bring new business before a meeting or bring business back to a meeting.

1. Main Motion
2. Reconsider or Rescind
3. Take from the Table
4. Discharge a Committee from Further Consideration

Main Motion

When a main motion has been stated by one member, seconded by another member, and repeated for the meeting by the chair, the meeting cannot consider any other business until that motion has been disposed of, or until some other motion of higher precedence has been proposed, seconded and accepted by the chair. A main motion must not interrupt another speaker, requires a seconder, is debatable, is lowest in rank or precedence, can be amended, cannot be applied to any other motion, may be reconsidered, and requires a majority vote. When a motion has been made by a member and seconded by another, it becomes the property of the meeting. The mover and seconder cannot withdraw the motion unless the meeting agrees. Usually the chair will ask if the meeting objects to the motion’s being withdrawn. If no one objects, the chair will announce: “The motion is withdrawn.”

Reconsider or Rescind

A motion to reconsider enables the majority in a meeting within a limited time and without notice, to bring back for further consideration a motion that has already been put to a vote. If the motion to reconsider is passed, the effect is to cancel the original vote on the motion to be reconsidered and reopen the matter for debate as if the original vote had never occurred. It can be made only by a member who voted with the prevailing side – that is, voted in favor if the motion involved was adopted, or voted contrary if the motion was defeated. It can be made only on the same day the vote to be reconsidered was taken.

The motion can be made at times when it is not in order for it to come before the assembly for debate or vote. In such a case it can be taken up later, at a time when it would otherwise be too late to make the motion. *Making* a motion to reconsider (as distinguished from *debating* such a

motion) takes precedence over any other motion and yields to nothing. Debate of a motion to reconsider has the same rank as that of the motion to be reconsidered. In other words, a motion to reconsider may be *made* at any time, but *debate* on it may have to be postponed until later.

A motion to reconsider can be made when another person has been assigned the floor, but not after they have begun to speak. The motion must be seconded, is debatable provided that the motion to be reconsidered is debatable (in which case debate can go into the original question), is not amendable, and cannot be reconsidered. Since the motion has the effect of amending the agenda -- because if it passes, the original motion must be debated again, that is, it must be placed on the agenda again -- a two-thirds majority vote is required to pass a motion to reconsider.

A motion to rescind means a proposal to cancel or annul an earlier decision. Another form of the same motion -- a motion to *amend something previously adopted* -- can be proposed to modify a part of the wording or text previously adopted, or to substitute a different version. Such motions cannot interrupt another speaker, must be seconded, are debatable, and are amendable. Because such motions would change action already taken by the meeting, they require 1) a two-thirds vote, or 2) a majority vote when notice of intent to make the motion has been given at the previous meeting or in the call of the present meeting, or 3) a vote of the majority of the entire membership. Negative votes on such motions can be reconsidered, but not affirmative ones.

Take from the Table

Before a meeting can consider a matter that has been tabled, a member must move that the question be taken from the table. Such a motion may not interrupt another speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and needs a majority vote.

Discharge a Committee from Further Consideration

If a question has been *referred*, or a task assigned, to a committee that has not yet made its final report, and if a meeting wants to take the matter out of the committee's hands (either so that the meeting itself can deal with the matter or so that the matter can be dropped), such action can be proposed by means of a motion to discharge the committee. A negative vote on this motion can be reconsidered, but not an affirmative one. Such a motion cannot interrupt another speaker, must be seconded, is debatable (including the question that is in the hands of the committee), and is amendable. Because the motion would change action already taken by the meeting, it requires 1) a two-thirds vote, or 2) a majority vote when notice of intent to make the motion has been given at the previous meeting or in the call of the present meeting, or 3) a vote of the majority of the entire membership -- whichever is the most practical to obtain.

Appendix G

Honors Program Guidelines

A. Honors Program Committee/Director

Committee: The term for the Honors Program Committee (HPC) will be staggered two-year terms. The committee will be responsible for developing further details for implementation of the program; for example, details regarding recruitment of faculty to teach in the program, details for proposal and review of potential Honors courses, and an assessment plan. The committee will also participate in the ongoing oversight and administration of the Honors Program. The Faculty Senate Nominations Committee will conduct an election as soon as possible to elect members of the permanent HPC. The present HPC will meet with the newly elected committee by May 2008 in order to share information and effect a smooth transition. The permanent committee will direct the program for the Fall of 2008. Because there is faculty interest in teaching the second open section in Spring 2009, it is recommended that the HPC proceed by soliciting applications for the second course from any faculty interested in teaching an Honors course in the Spring of 2009. The HPC will also recruit four students (at least one from each participating curricular area) to serve as a liaison with the faculty HPC.

Director: In the early Fall of 2008 the HPC will solicit applications for a permanent Director of the Program, a tenured or tenure track member of the Faculty who will serve as Director for a period of three years and receive a 1/2 time course release per year for the duration of his/her service, provided that adjunct replacements are supplied by the College for all sections of the director's release time, and for all sections of faculty replacements as needed. The 1/2 time course release for the Director will be revisited by the Faculty Senate after the initial three-year term. The Director will work collaboratively with the faculty and student HP Committees and will report directly to the Provost and Vice President for Academic Affairs.

B. Mission/Purpose

Mission: The Honors Program will serve as a model of excellence in teaching and learning processes that incorporate Merrimack College's Five Learning Outcomes which include communication skills; critical thinking; ethical understanding, reasoning, and responsibility; cultural understanding and respect for diversity; and reflective thinking. The Honors Program will reflect the Augustinian pedagogical values of inquiry, dialogue, conversation and active learning.

Purpose: The Honors Program will seek to attract and retain a greater number of academically engaged students at the College. Honors Program students will serve as models of excellence, be recognized as student leaders, and receive recognition of their participation in the Honors Program at Commencement. Students in the Program will benefit from the challenges of a rigorous curriculum, opportunities to engage intellectually in co-curricular activities, engaging with other intellectually stimulating students, and participating in experiential learning.

C. The Curriculum/Program will

- Provide special courses, seminars, colloquia and independent study courses that serve the needs of the students participating in the program.
- Provide a pedagogy that is distinctive within the College and can serve as a venue for developing educational practices that can work campus-wide.
- Establish an Honors course cap at 15 students per section.
- Provide a clear relationship with the general education requirements and students' specific degree program requirements.
- Provide a capstone experience for all participating students.
- Establish a learning community centered on a common theme to enhance the intellectual climate and foster a sense of shared purpose among students.

D. The Director's responsibilities will include (but are not limited to) the following:

- Recruit faculty participants and coordinate participation in the program from each of the four curricular areas of the College.
- Provide support for faculty in order to showcase a pedagogy that is distinctive within the College.
- Provide support for courses that serve as a venue for developing educational practices that can be applied campus-wide.
- Articulate the College's learning goals and outcomes for the program and its courses that clearly focus on *Communication Skills; Critical Thinking; Ethical Understanding, Reasoning, and Responsibility; Cultural Understanding and Respect for Diversity; and Reflective Thinking* in collaboration with both student and faculty HP committees.
- Establish criteria for entering the program for freshmen, transfer students, and already enrolled students in collaboration with both student and faculty HP committees.
- Establish means for continuous assessment in order to maintain high standards and models of excellence in collaboration with both student and faculty HP committees.
- Advise all students in the program and communicate with students' major advisors.
- Coordinate seminars, lectures, and other co-curricular activities designed to critically engage honors students. These activities will be available to the larger Merrimack community and be designed to foster an intellectual community within the program and for the campus at-large.
- Provide career-related or graduate education counseling for all participating students in collaboration with the HPC and faculty teaching in the program and other relevant college offices.
- Recruit and work with student members of the liaison committee.

E. Faculty Responsibilities

- Provide a teaching experience that is based on Merrimack College's Augustinian traditions of inquiry, dialogue, conversation and active and experiential learning.
- Be committed, excellent teachers and have the ability to provide intellectual leadership to students in the program.

- Be involved in continuous and critical program assessment, review and improvement.
- Be informed about the program by communicating with the Program Director, student and faculty HP committees.
- Work collaboratively with the Program Director and faculty and student HP committees in support of the program.

F. Student Participation will include the following responsibilities and privileges

- Enroll in at least 8 honors courses over the four-year period.
- Maintain an overall GPA of at least 3.5. (The GPA requirement is 3.4 overall for the first year only.)
- Engage in one HP co-curricular activity per semester.
- Complete a major capstone course, and if not offered in the major, an Honors Program capstone course.
- Consider participation in the student HPC, a committee of four students representing each of the four curricular areas (Humanities, Social Sciences, Science and Engineering, Business) that have students participating in the Honors Program. The student HPC will serve as a liaison with the Program Director, the faculty HPC and faculty teaching in the honors program.
- Receive academic, career related, and graduate education counseling from the Honors Program Director or her/his designee.

G. Administration Support will include the following responsibilities

- Provide an appropriate operating budget for adjunct replacements for the Director, supplies, for seminars and lectures, as well as HP co-curricular activities, etc.
- Provide a physical space (office and meeting room) for the Director and faculty and student HP committee meetings.
- Provide suitable institutional recognition for students who successfully complete the HP requirements such as special notation on a student's official transcript and acknowledgment at annual commencements.

Appendix H

Policies and Procedures on Human Subject Research

MERRIMACK COLLEGE INSTITUTIONAL REVIEW BOARD MISSION AND RESPONSIBILITIES

Institutional Review Board Mission:

The mission of the Merrimack College Institutional Review Board (IRB) is to safeguard the rights and well-being of human subjects in projects conducted at or sponsored by Merrimack College.

Jurisdiction of Merrimack College's Institutional Review Board:

All College sponsored projects involving research with "*human subjects*" are within the jurisdiction of Merrimack College's Institutional Review Board.

Institutional Review Board Responsibilities:

The specific responsibilities of the Merrimack College IRB include:

1. *Developing and disseminating federally-compliant* policies for the protection of human subjects.
2. *Developing and implementing institutionally-appropriate procedures* for ensuring the protection of human subjects, in collaboration with other members of the Merrimack College community.
3. *Educating members of the Merrimack College community* about the ethical and legal obligations associated with human subject projects.
4. *Conducting reviews of generalizable research projects* to ensure that such research will be carried out in a manner which safeguards the rights and well-being of the subjects.
5. *Promoting professional development in research ethics* for Merrimack College employees in support of their instructional, research and administrative work.

IRB Composition (from Code of Federal Regulations §46.107 IRB)

The Merrimack College Institution Review Board shall have at least five members, appointed by the Provost and Vice President for Academic Affairs, with varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution. The IRB shall be sufficiently qualified through the experience and expertise of its members, and the diversity of the members, including consideration of race, gender, and cultural backgrounds and sensitivity to such issues as community attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects. In addition to possessing the professional competence necessary to review specific research activities, the IRB shall be able to ascertain the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice. The IRB shall therefore include persons knowledgeable in these areas. If an IRB regularly reviews research that involves a vulnerable category of subjects, such as children, prisoners, pregnant women, or handicapped or mentally disabled persons, consideration shall be given to the inclusion of one or more individuals who are knowledgeable about and experienced in working with these subjects. Every nondiscriminatory effort will be made to ensure that no IRB consists entirely of men or entirely of women, including the institution's consideration of qualified persons of both sexes, so long as no selection is made to the IRB on the basis of gender. No IRB may consist entirely of members of one profession.

Each IRB shall include at least one member whose primary concerns are in scientific areas and at least one member whose primary concerns are in nonscientific areas.

Each IRB shall include at least one member representing each of the College's academic areas: Humanities, Social Sciences, Business, and Science and Engineering.

Each IRB shall include at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution.

No IRB may have a member participate in the IRB's initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the IRB.

An IRB may, in its discretion, invite individuals with competence in special areas to assist in the review of issues which require expertise beyond or in addition to that available on the IRB.

These individuals may not vote with the IRB.

“Who Needs to Review My Project?”
Determining the Appropriate Review Procedure for a Human Subjects Project

Members of the Merrimack College community incur obligations for the respect and protection of human subjects when they undertake projects that:

1. Will be conducted at and/or sponsored by Merrimack College.
2. Involve the collection of data through intervention or interaction with human subjects, and/or the collection of personally identifiable private information.

According to College policy, all such projects must include provisions for protecting the subjects' rights and well-being. These provisions are largely determined by federal regulations for the protection of human subjects and are explained in detail in the Title 45 Code of Federal Regulations, Part 46, Protection of Human Subjects. In all cases, the data collection component of the project must be reviewed and approved by an authorized ethics reviewer to ensure that the project is consistent with the Code before data collection begins.

At Merrimack College, there are two levels of review of projects involving human subjects. In Level I review, a classroom instructor or project supervisor serves as the ethics reviewer. In Level II review, participation by the Merrimack College Institutional Review Board (IRB) is required to ensure compliance with the Code. For either level of review, the appropriate Application to Collect Human Subjects Data form must be completed by the project investigator and submitted to the Merrimack College IRB.

The following criteria shall be used to determine which level of review is appropriate for any project involving human subjects conducted at and/or sponsored by Merrimack College.

Level I. Projects Requiring Instructor/Supervisor Review

The project *must not* involve:

1. More than minimal risk.
2. Vulnerable subjects.
3. External dissemination.

Level II. Projects Requiring IRB Review:

1. All projects not meeting the criteria for Level I review.
2. All federally-defined research.

**Merrimack College Institutional Review Board
For Human Subject Research**

Key Terms and Definitions

1. Human Subject Research

Involves a living individual about whom an investigator (whether professional or student) conducting research obtains

- Data through intervention or interaction with the individual
- Identifiable private information

2. More than minimal risk

Risk exceeds what would ordinarily be experienced in daily life or during routine physical or psychological tests

- a. **Psychological risks** [*the experience of participating in the study may cause anxiety, significant emotional disturbance, depression, or distress*]
- Subjects are asked about experiences or events that they are likely to have found traumatic (e.g., being the victim of an assault or abuse, experiencing an unwanted pregnancy, being involved in an accident or natural disaster, etc.).
 - Subjects are presented material or asked questions that they are likely to find offensive, degrading, or threatening.
 - The subjects' psychological environment is manipulated, e.g. through isolation, negative messages, etc.
 - Subjects are deceived as part of the research protocol.
- b. **Legal, economic, academic, professional, or social risks** [*the disclosure of the subject's information may cause civil or criminal liability, or damage the subject's financial standing, academic standing, employability, or reputation*]
- Identifiable information is collected that, if disclosed, could place a subject at risk of criminal or civil liability, or disciplinary action by the College (e.g., information about a subject's illegal activities, such as illegal drug use or underage drinking, or about other activities that violate College policies, such as academic dishonesty).
 - Identifiable information is collected that, if disclosed, could damage a subject's financial standing, academic standing, or employability (e.g., information about a subject's dismissal from a previous job; information about a subject's health history).
 - Identifiable information is collected that, if disclosed, could damage a subject's reputation (e.g., information about a subject's sexual behavior).

c. Physical risks

- Subjects may experience physical discomfort or injury, including physical exertion beyond the subject's normal activity.
- The subjects' physiological requirements, such as nutrition, sleep, or light, are manipulated.

3. Vulnerable subjects

- a) Minors (persons less than age 18 who are not college students)
- b) Persons who may be economically or educationally disadvantaged
- c) Residents of health care or long-term care facilities
- d) Pregnant women
- e) Other vulnerable subjects (incarcerated persons, mentally disturbed persons, fetuses)

4. External Dissemination

- Findings will or may be disseminated beyond Merrimack College and/or the subjects themselves
- Findings may be posted on a website available to audiences outside Merrimack
- Findings may be shared in a poster, paper, report, or oral presentation for audiences outside Merrimack

5. Identifying Information

Information recorded about individual subjects includes identifiers that would permit persons other than the investigator to identify these subjects, such as names, social security numbers, etc.

6. Federally Defined Research for Scholarly Audiences

- The main purpose of the project is twofold: to advance the investigator's knowledge and understanding and to develop or contribute to generalizable knowledge:
- The project is a systematic investigation, rigorously designed to yield generalizable knowledge; findings are appropriately used to draw conclusions about populations beyond those who were eligible to participate in the study
- The primary audience for project methods and finding includes professional scholars and researchers

Adapted from St. Olaf College Institutional Review Board, Northfield Minnesota.
<http://www.stolaf.edu/academics/irb/>

Appendix I

Writing Intensive Course Program and Principles

This program will be administered by a permanent Writing Intensive (WI) Committee which will be added to the list of Senate committees. Each member of the Committee will serve a staggered term of two years. This Committee will ensure consistent standards for courses designated as WI courses. The Committee will consist of faculty members from the four traditional divisions: Humanities, Social Science, Business, and Science and Engineering, and a Librarian. The Director of the Writing Center will serve as an *ex officio* member of the Committee.

Faculty who wish to teach a WI designated course will submit proposals that include

- Writing assignments that are tied directly and specifically to the goals of the course and are fully integrated into the syllabus,
- A requirement of at least 5,000 total words of writing, assigned throughout the semester,
- One-on-one professor-student interaction/intervention on each student's writing,
- Opportunities for students to revise their work in order to improve performance built into the structure of the course,
- Writing as a significant portion of the final grade,
- Information literacy in the disciplines (i.e., instruction designed to promote awareness of appropriate and inappropriate sources of information; capacity to conduct literature searches; guidelines for writing and reading within the disciplines, etc.).

Writing Intensive Courses will have a low student-to-teacher ratio. WI courses will be capped at 15 students.

Principles for Implementing Writing Intensive Courses

I. Types of Courses Suited for WI Format

Although WI courses at introductory levels are most optimal, courses at any level can be adapted to the WI format.

In principle, any course that fulfills the criteria set for Writing Intensive courses can qualify as a WI course. The intent of WI courses is to afford professors the opportunity to engage students in genres of writing that are typical of the academic discourse in their disciplines. It will be the responsibility of the Divisional Deans to ensure that there are a sufficient number of WI courses to accommodate student need. WI courses can occur at any level of coursework throughout a student's four years.

II. Meeting the Demands for WI Courses

It will be the responsibilities of the Deans, working with individual departments, to ensure that there are sufficient WI courses to meet student demands.

Divisional Deans will work with their departments to ensure that each department develops at least one WI intensive course as needed. This provision will ensure that the burden of teaching WI courses does not fall on any single department or division. Because WI courses will be adaptations of existing courses, there is no need for departments or individual faculty to develop new courses to fill the need for WI requirements (as was the case with the First Year Seminar program). Further, to the extent that departments assume the task of modifying at least one existing course into the WI format, there should be no need to staff courses with adjuncts beyond the normal FTE.

III. Submitting Proposals for WI Courses

The WI Committee will develop procedures to guide submission of proposals for WI courses.

Appendix J

Merrimack College Board of Trustees Principles of Governance. September 24, 2008

Principles of College Governance As presented and amended on September 24, 2008 by The Merrimack College Board of Trustees

A. The role and authority of the Board

- i. The ultimate responsibility for Merrimack College rests in its governing Board. The final legal authority at the College is the Board of Trustees who have primary fiduciary responsibility for the academic integrity and financial soundness of Merrimack College.
- ii. Merrimack College's Board retains the ultimate and full authority to determine the mission of the College, in consultation with and on the advice of the President.
- iii. The Board shall have and may exercise, subject to law and the corporate charter, all the power of members and all the powers of the corporation. Without limiting the generality of the foregoing, the Board of Trustees shall have all of the powers of directors and shall have general supervision and control over the property and affairs of the corporation; shall formulate and oversee the educational and fiscal policies of Merrimack College; shall elect or appoint all officers of the corporation including the President of Merrimack College; shall make and from time to time change rules and regulations to insure the good government of Merrimack College, including procedures for enforcement and penalties for violations; shall fix all tuition and other fees and charges; and shall confer all honors and degrees.
- iv. The Board is responsible for recognizing the sponsorship role of the Order of Saint Augustine in a manner in keeping with its educational objectives and in recognition of the special contribution of the Order to Merrimack College.
- v. The Board ensures that, as a corporation, Merrimack College's fiscal and managerial affairs are administered with appropriate attention to commonly accepted business standards.
- vi. The Board will state explicitly who has the authority for what kind of decisions – that is, to which persons or bodies it has delegated authority and whether that delegation is subject to Board review. Traditionally, and for practical reasons, the

College's Board delegates responsibility and authority to various agents to carry out the Board's responsibilities, in particular authority to the President as its Chief Executive Officer for the conduct of administration of the College and responsibility to the faculty for the conduct of teaching and research. There is the implicit and sometimes explicit condition that the Board reserves the right to question, challenge and occasionally override decisions or proposals it judges to be inconsistent with the mission, integrity, or financial position of Merrimack College.

- vii. The selection and evaluation of the President are two of the Board's most important responsibilities. The President shall be elected by the Board from the nominees submitted to the Board by the Prior Provincial of the Order of Saint Augustine, Province of Saint Thomas of Villanova. A slate of candidates will be identified by a Presidential Search Committee appointed by the Board and the top candidates recommended to the Prior Provincial for his consideration and nomination to the Board.
- viii. The Board will avoid micromanaging the College in matters of administration; individual Board members must avoid even the perception of any personal or special interests.
- ix. The Board is responsible for setting the strategic direction of the College through its insistence on and participation in tactical and long term comprehensive, strategic planning, based on a consensus on the part of the stakeholders and upon a realistic view of the resources available to compete in the educational marketplace, to accomplish the strategic goals, and to carry out the mission.
- x. The Board plays a central role in relating the likely needs of the future to the predictable resources. It has the responsibility for husbanding the endowment, for obtaining needed capital and operating resources.
- xi. One of the Board's most important tasks is to ensure the publication of codified statements that define the overall policies and procedures of the institution under its jurisdiction.
- xii. The Board should examine regularly its membership, structure and performance.
- xiii. While faculty, staff and students have a vital stake in Merrimack College and should be given opportunities to be heard on various issues and in some cases to participate directly in the governance process as members of Board committees rather than as voting members of the Board. Faculty, staff, and students will not serve as voting members of Merrimack College's Board because such involvement violates the principle of independence of judgment.
- xiv. The primary responsibility of the Board of Trustees is to ensure that Merrimack College achieves its mission through policy development, effective oversight, and stewardship of the College's resources.

B. The role and delegated authority of the President

- i. In accordance with the provisions of law and the corporate charter, the general government and direction of Merrimack College are vested in the President of the College and the Board of Trustees. The President is the Chief Executive, Principal Academic Officer and Financial Officer of the College. The President delegates the authority for these functions to other College officers as appropriate. As such the President acts on behalf of the Board in the management, supervision and control of the business and affairs of the College's corporation, consistent with the Board's policies and expectations.
- ii. The President regularly reports to the Board of Trustees on the activities and health of the College: the President and the Board should communicate these views to the Merrimack College community.
- iii. The President and other decision makers must seek the advice and counsel of stakeholders impacted by a proposal, in particular the impact on students, prior to making a decision. The criteria and the data used for making a decision must be sound and shared, and reasons for the decision should be communicated that explain how relevant criteria were met or were not met. Decisions must be consistent with the mission.
- iv. The President appoints, delegates authority to, sets goals, evaluates, and manages his senior administrative staff. The President appoints, with the advice and counsel of faculty and the VP for Academic Affairs, academic Deans and department chairs. Personnel staffing and efficiency of operations are the President's responsibilities.
- v. The President reviews and acts upon faculty recommendations for the appointment, promotion and the granting of tenure to faculty members. The President administers the academic program and all other aspects of the College.
- vi. The President has a responsibility to see that the College's academic programs are developed, and implemented. The President ensures that all programs and operations at the College further the mission and objectives of the College. The President envisions, innovates, and initiates new horizons for the College, and, persuades others to see them and to work toward them. As the chief planning officer of an institution, the President has a special obligation to innovate and initiate. The President must at times, with or without support, infuse new life into a department; relatedly, the President may at times, working within the concept of tenure, solve problems of obsolescence.
- vii. The President ensures that procedures for decision making have been codified and approved by the Board and that the standards and procedures in operational use within the College conform to the policy established by the Board. The President establishes procedures for planning, managing and evaluating College operations.

- viii. The President reviews and acts upon the Faculty Senate's recommendations. The President's review ensures procedural integrity, consistency with sound academic principles, the institution's mission, financial conditions, and other institution-wide concerns. It is expected that the President will recognize that the Faculty has primary responsibility for specific academic matters. On those rare occasions when the President fails to concur with faculty recommendations, the President shall inform the faculty agency and supply reasons. If a resolution is not found in a timely manner, the President will make the final decision.
- ix. The President prepares and presents to the Board for approval the annual budget; furthermore, the President establishes processes for managing and assessing the fiscal performance of the College. The President reviews budgets and the allocation of funds and budgetary controls to ensure the financial stability of the College.
- x. The President represents the institution to its many publics.

Note: A position description for the President will be drafted.

C. The role and delegated authority of the Faculty

- i. The Board looks to the Faculty for the vital task of teaching and managing the curriculum and academic programs of the College. The Board entrusts the conduct of teaching and research to the Faculty.
- ii. The central focus of an academic community lies in its teaching and scholarship. The excellence of an institution of higher learning is measured by the competence and dedication of its faculty. Above all, at Merrimack, the Faculty dedicates itself to student learning.
- iii. The Faculty has primary responsibility for such areas as curriculum, subject matter and methods of instruction, research, and those aspects of student life which relate to the educational process. Faculty status and related matters are primarily a faculty responsibility subject to final approval by the President; this area includes appointments, reappointments, decisions not to reappoint, promotions, and the recommendation to grant tenure, or dismissal.
- iv. The Board reserves the right to review and ratify specified academic decisions, as well as proposals to adopt major new academic programs or eliminate others.
- v. As a self-governing body, the Faculty is responsible for the conduct and professionalism of its members and for the efficient operation of faculty affairs. The Faculty ensures its continuation as an effective teaching force through its hiring and promotion recommendations. It encourages the constant renewal and updating of the scholarship of its members. The Faculty shall be accountable for adhering to the

standards of their discipline, including assessment and evaluation of faculty performance.

- vi. The Faculty is a key stakeholder in the College community and shares in the responsibilities of recruitment and retention of students and participation in co-curricular activities.

Appendix K

AAUP Policy on The Assignment of Course Grades and Student Appeals

The statement that follows was approved by the Association's Committee A on Academic Freedom and Tenure in June 1997, and further revised by Committee A in June 1998.

The American Association of University Professors regularly receives inquiries concerning the right of instructors to assign course grades to students, the right of students to challenge the assigned grades, and the circumstances and procedures under which student appeals should be made. The Association's Committee A on Academic Freedom and Tenure has approved the issuance of general guidelines on this subject. The following statement is intended to guide faculty members, administrators, and students with respect to the assignment of student grades and student appeals.

The Right of an Instructor to Assign Grades

The Association's *Statement on Government of Colleges and Universities* places primary responsibility with the faculty "for such fundamental areas as curriculum [and] subject matter and methods of instruction."¹ The assessment of student academic performance, it follows, including the assignment of particular grades, is a faculty responsibility. Recognizing the authority of the instructor of record to evaluate the academic performance of students enrolled in a course he or she is teaching is a direct corollary of the instructor's "freedom in the classroom" that the 1940 *Statement of Principles on Academic Freedom and Tenure* assures.² The faculty member offering the course, it follows, should be responsible for the evaluation of student course work and, under normal circumstances, is the sole judge of the grades received by the students in that course.

The Right of a Student to Appeal

According to the Association's *Statement on Professional Ethics*, "professors make every reasonable effort . . . to ensure that their evaluations of students reflect each student's true merit."³ The academic community proceeds under the strong presumption that the instructor's evaluations are authoritative. At the same time, of course, situations do arise in which a student alleges that a grade he or she has received is wrong, and the *Joint Statement on Rights and Freedoms of Students* provides that "students should have protection through orderly procedures against prejudiced or capricious academic evaluation."⁴ A suitable mechanism for appeal, one which respects both the prerogatives of instructors and the rights of students in this regard, should thus be available for reviewing allegations that inappropriate criteria were used in determining the grade or that the instructor did not adhere to stated procedures or grading standards.⁵ Under no circumstances should administrative officers on their own authority substitute their judgment for that of the faculty concerning the assignment of a grade. The review

of a student complaint over a grade should be by faculty, under procedures adopted by faculty, and any resulting change in a grade should be by faculty authorization.

Procedures for Appeal

Committee A offers the following, not as a single procedure for grade appeals that all should follow, but as recommended procedural considerations.

1. A student who wishes to complain about a grade would be expected to discuss the matter first with the course instructor, doing so as soon as possible after receiving the grade.
2. The instructor should be willing to listen, to provide explanation, and to be receptive to changing the grade if the student provides convincing argument for doing so. (In most 128 cases the discussion between the student and the instructor should suffice and the matter should not need to be carried further.)
3. If, after the discussion with the instructor, the student's concerns remain unresolved, the student might then approach the instructor's department chair or another member of the faculty who is the instructor's immediate administrative superior. That person, if he or she believes that the complaint may have merit, would be expected to discuss it with the instructor. If the matter still remains unresolved, it should be referred to an ad hoc faculty committee.
4. The ad hoc committee would ordinarily be composed of faculty members in the instructor's department or in closely allied fields. The committee would examine available written information on the dispute, would be available for meetings with the student and with the instructor, and would meet with others as it sees fit.
5. If the faculty committee, through its inquiries and deliberations, determines that compelling reasons exist to change the grade, it would request that the instructor make the change, providing the instructor with a written explanation of its reasons. Should the instructor decline, he or she should provide an explanation for refusing.
6. The faculty committee, after considering the instructor's explanation, and upon concluding that it would be unjust to allow the original grade to stand, may then recommend to the department head or to the instructor's immediate administrative superior that the grade be changed. That individual will provide the instructor with a copy of the recommendation and will ask the instructor to implement it. If the instructor continues to decline, that individual may then change the grade, notifying the instructor and the student of this action. Only that individual, upon the written recommendation of the faculty committee, should have the authority to effect a change in grade over the objection of the instructor who assigned the original grade.

Notes

1. AAUP, *Policy Documents and Reports*, 10th ed. (Washington, D.C., 2006), 139.
2. *Ibid.*, 3.
3. *Ibid.*, 171.

4. Ibid., 274.
5. Institutions receiving federal funds are required to provide procedures by which students can challenge grades that they believe may have been tainted by gender or disability discrimination. See, e.g., 34 CFR Sections 106.8 and 104.7 and 28 CFR Section 35.107. The *Revised Sexual Harassment Guidance*, issued by the United States Department of Education's Office for Civil Rights (OCR) in 2001, provides information on the necessary components of such procedures. The OCR guidance is available online at www.ed.gov/about/offices/list/ocr/docs/shguide.pdf. Such grievance procedures are also recommended to address allegations of race and national-origin discrimination. See *Protecting Students from Harassment and Hate Crimes: A Guide for Schools* (1999), 16. This publication, a joint effort of the OCR and the National Association of Attorneys General, is available online at www.ed.gov/offices/OCR/archives/Harassment/harassment.pdf.

Appendix L

Merrimack College

REVIEW PROCESS FOR NEW PROGRAMS

SCOPE

Any new program that will require new resources from the college should follow this process. This applies to programs that need to ask for funding to initiate and sustain the proposed program. It would not apply to revisions of existing programs that would reallocate existing resources within an existing budgetary unit such as a school or department.

Types of potential programs that may require substantial new resources from the college in the future include but are not limited to:

- new majors
- new minors
- new degrees
- new concentrations

WORKING DEFINITION OF A PROGRAM

For the purposes of this review process, an academic program is defined as a set or sequence of courses, activities, and/or other requirements that are designed to achieve a particular end and that require resources (i.e., dollars, people, space, equipment, time, etc.).

[Note that a program is distinct from the department that offers it, since a department is an administrative unit responsible for managing the resources associated with the programs under its jurisdiction and departments may manage more than one program. Note also different programs may share some or all of the same resources(e.g., a computer facility may be shared by more than one program, or one faculty member may teach in the general education program, a major program, a minor program, a graduate program, or any combination of these programs).]

DESCRIPTION OF THE REVIEW PROCESS

We recommend and outline a two-stage review process intended to ensure that faculty spend their valuable time efficiently.

Early Review

The primary intent of the initial brief proposal is to stimulate interest and support to warrant more in-depth research and planning for a proposed program. The outline of the brief proposal is intended to provide guidelines to help champions of new programs to provide information critical to a thoughtful dialogue and to adequately gauge the potential of proposed programs.

- We suggest the Early Review be limited to a two page paper describing the new program, potential impact on college resources, fit with the College's strategic plan and strategic goals (See Appendix A).

- Other than its core academic goals, the important program impacts that are critical to stimulating interest in a program are:
 - Supporting enrollment and retention goals
 - Enhancing Merrimack's reputation
 - Achieving goals within the College's strategic plan
 - Increasing revenue
- The proposed process stresses the importance of dialogue with administrators immediately impacted by a proposed program, notably the department chair and school dean where a proposed program might be housed.
- There will be no annual deadline for submitting program proposals. However, consideration of implementation timetables should be recognized since for budgetary reasons, new programs need to be approved before the budget for the next academic year is approved.

We strongly encourage program proposals be supported by input, advisement, and data from the following:

- Admissions, to understand trends in preferences of prospective students
- Trial runs of some classes proposed in the new program to gauge student interest
- School/department/program advisory boards composed of external professionals to provide information about labor markets and professional requirements

The flow for consideration of the Early Review should include faculty and/or appropriate representative committees, department chairs, and dean(s) impacted by the implementation of a new program. Approval of the Early Review requires the majority vote (i.e. more than half of the votes) at a meeting of the department chairs and dean of each school. Once approved the Early Review should be submitted to the Provost by the dean(s) for feedback. The Provost will be responsible for informing members of the President's Executive Committee (PEC) about any Early Reviews submitted. The PEC includes but is not limited to the president, the CFO, and the V.P. of Admissions/Enrollment. The Provost will be responsible for initial feedback as to the viability of a program in near-term budget cycles and the necessity of eliciting additional input from units outside Academic Affairs. The Provost will submit this feedback about the commitment of new resources for the proposed program from the PEC to the dean(s) (See Diagram 1).

Formal Review

Formal Review should include:

- A detailed description/explanation of the new program with its mission and purposes
- A detailed explanation of how this program fits within the College's strategic plan and strategic goals.
- Learning objectives, structure, curriculum, environmental scan/benchmarking and assessment plan.
- Required faculty expertise and size
- Projected student enrollments and sources, projected resource requirements, milestones for program success, and recommendations for revisions if the program falls short.

The Formal Review should be approved by the department chairs, deans and schools impacted by the proposed program before being submitted to the Provost. Specifically, approval of the Formal Review requires first the majority vote (i.e. more than half of the votes) at a meeting of the department chairs and dean and then the majority vote (i.e. more than half of the votes) at a school meeting. This approval process would have to be repeated in each school affected by the program. Once approved by the Provost, the Formal Review will be submitted by the Provost to the Executive Committee and the appropriate Faculty Senate curriculum committee (See Diagram 2).

APPENDIX LA – EARLY REVIEW TEMPLATE

Along with the elements outlined in section 3.2 of this document, the Early Review should include a cover page noting the approval by the relevant faculty and/or committees, department chairs, and dean(s).

Degree/Program _____
Concept Proposal Outline (2 pages maximum)

Introduction Program overview
Quality and Distinctiveness of the Program

Rationale and significance

Potential for attracting new students

- Employment Opportunities
- Enrollment trends
- Competing programs

Merrimack Fit

- How does the program utilize and leverage existing resources and fit with the Merrimack College *Agenda for Distinction*

Program

- Total Credits
- Courses

Expected Results

- Expected enrollments
- Projected revenues and costs (including additional faculty required).

**EARLY REVIEW PROCESS
DIAGRAM 1**

**Formal Review Process
Diagram 2**

RATIONALE FOR NEW PROGRAM REVIEW PROCESS

The college has existing processes within the oversight of the Faculty Senate that ensure the academic integrity of new programs. The new process is meant to complement that process to improve communication to all administrative entities involved in the delivery of academic programs. The intent is to also suggest mechanisms to improve communication of proposed programs to all units across the campus and to outline the information needed at various stages of approval to adequately inform all administrative entities of the impacts of proposed programs.

Explanation of the purpose for the proposed review process:

- Limit the time invested on programs that may not be of immediate interest to the college and thus may not be supported with resources in near-term budget cycles.
- Provide a structure so that the college community is aware of the various proposals that are in the pipeline. This may prevent duplication of work and may foster interdisciplinary collaboration.