



1215 Wilbraham Road
Springfield, Massachusetts 01119

FACULTY HANDBOOK

College of Business
College of Engineering
College of Arts and Sciences

Fifteenth Edition: **Effective April 10, 2017**

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A – 1 INTRODUCTION

Section 1 Preface

1.1. The specific nature of Western New England University and its commitment to service focus attention directly on the students who are its reason for being. Faculty are hired primarily for their competence to teach in the light of individual training and experience. Since the University is guided by its Mission Statement, approved by all segments of the University Community, support of its goals is incumbent upon those accepting faculty appointment. Faculty bear responsibility for originating, maintaining, and transmitting an educational process that exhibits the highest quality possible.

1.2. Participatory decision making is the way of life at Western New England University. Through it we hope to use most fruitfully the talents of all who are a part of its Community. The faculty are encouraged to become involved in such a way as to contribute their varied competencies and diversity of interest in academic matters.

1.3. The Faculty Handbook is intended to accomplish the following:

- a) To specify the employment rights and responsibilities of the faculty. It is considered a part of the contract issued upon appointment and all subsequent salary letters and/or letters of appointment.
- b) To bring together those University policies, regulations, and procedures which apply directly to faculty or which are important for the faculty's understanding of the functioning of the University.
- c) To provide a guide to the University's organization and governance.

1.3.1. The Western New England University Faculty Handbook contains University policies, procedures, and other information in effect as of January 8, 2016. Any subsequent changes in policies, procedures, or employment terms are incorporated in the next annual contract issued by the University to the faculty after such changes are adopted by the Board of Trustees. Changes in the Faculty Handbook are effected in accordance with the procedure specified in Section 2.

1.4. Those revisions that are present in this volume have occurred as a result of the work of many people. They have been reviewed by the Faculties of the Colleges of Business, Engineering and Arts & Sciences, the Faculty Senate, the Administration, the Board of Trustees, and University General Counsel. Our gratitude is hereby expressed to all who contributed to this volume and to those who will continue to work on it to create a more nearly perfect document.

Effective Date: January 8, 2016

Section 2 Procedures for Revising this Faculty Handbook

2.1. Changes to this Faculty Handbook are discussed and implemented through the cooperative efforts of the Faculty, Administration, and the Board of Trustees. The procedures for implementing changes to the Faculty Handbook are as follows.

2.1.1. Notification of the need to make changes to the Faculty Handbook will be sent to the office of the Provost, by the person(s) requesting the change(s).

2.1.2. The Provost will notify the Faculty Senate of the requested change(s) and provide a deadline by which the Senate must provide a recommendation as well as any deadline by which the revision work is to be completed. The Senate will consider the request and report the results of its deliberations to the Provost.

2.1.3. The Provost will transmit the results of the Senate's deliberations, any referendum vote of the Faculty, and any additional material developed by the Faculty or the Administration in support of or against the proposed change(s) to the President of the University for his/her consideration. The President will transmit the information received from the Provost along with his/her recommendation to the Board of Trustees for its acceptance or rejection of the proposed amendments. The action of the Board is final.

UNIVERSITY MISSION STATEMENT

Who We Are

Western New England University, a comprehensive private institution with a tradition of excellence in teaching and scholarship and a commitment to service, awards undergraduate, master's, and doctoral degrees in various departments from among our Colleges of Arts and Sciences, Business, Engineering, Pharmacy and School of Law. One of only a few U.S. comprehensive institutions enrolling under 5,000 students recognized with national and international accreditations at the highest levels in law, business, engineering, and social work, we serve students predominantly from the northeastern U.S., but enroll students from across the country and around the world. The vast majority of undergraduate students reside on campus. Our 215-acre campus in Springfield, Massachusetts, is remarkable for its beauty, security, and meticulous upkeep.

Our Mission

The hallmark of the Western New England experience is an unwavering focus on and attention to each student's academic and personal development, including learning outside the classroom. Faculty, dedicated to excellence in teaching and research, and often nationally recognized in their fields, teach in an environment of warmth and personal concern where small classes predominate. Administrative and support staff work collaboratively with faculty in attending to student development so that each student's academic and personal potential can be realized and appreciated. Western New England develops leaders and problem-solvers from among our students, whether in academics, intercollegiate athletics, extracurricular and co-curricular programs, collaborative research projects with faculty, or in partnership with the local community.

At Western New England, excellence in student learning goes hand in hand with the development of personal values such as integrity, accountability, and citizenship. Students acquire the tools to support lifelong learning and the skills to succeed in the global workforce. Equally important, all members of our community are committed to their local and global communities by promoting a campus culture of respect, tolerance, environmental awareness, and social responsibility. We are positioned well to accomplish these goals as a truly comprehensive institution whose faculty and staff have historically collaborated in offering an integrated program of liberal and professional learning in the diverse fields of arts and sciences, business, engineering, law, and pharmacy.

Our Core Values

- **Excellence in Teaching, Research, and Scholarship**, understanding that our primary purpose is to provide an outstanding education supported by faculty with the highest academic credentials, and with national prominence in their fields.
- **Student-centered Learning**, providing an individualized approach to education which includes a profound commitment to small class sizes, personalized student-faculty relationships, and student engagement and personal growth both within and beyond the classroom.
- **A Sense of Community**, treating every individual as a valued member of our community with a shared sense of purpose and ownership made possible by mutual respect and shared governance.
- **Cultivation of a Pluralistic Society**, celebrating the diversity of our community, locally and globally, and creating a community that fosters tolerance, integrity, accountability, citizenship, and social responsibility.
- **Innovative Integrated Liberal and Professional Education**, constituting the foundation of our undergraduate and graduate curriculum, providing global education, leadership opportunities, and career preparation.
- **Commitment to Academic, Professional, and Community Service**, promoting opportunities for all campus community members to provide responsible service of the highest quality to others.
- **Stewardship of our Campus**, caring for the sustainability and aesthetics of the environment both within and beyond the campus.

Our Vision for Approaching Our Second Century

In 2019 Western New England will celebrate its Centennial as an institution of higher education. Our focus will continue to be on the whole student, but in a twenty-first century context highlighting the demands of a diverse and global society, the accelerating pace of technology, and the necessity of attention to environmental sustainability. Our next decade will be marked by a continued dedication to excellence, visionary thinking, flexibility, and entrepreneurial spirit. We must continue to develop as a comprehensive institution offering an integrated program of liberal and professional undergraduate and graduate education while establishing ourselves in a position of regional leadership and national recognition.

PERSONNEL POLICIES: CONTRACTUAL

Section 1 Definition of Faculty

1.1. Members of the Faculty include full-time instructional staff and such administrative officers as may be designated by the President or Trustees to hold faculty status. All faculty members have voting privileges in meetings of the Faculty. Administrators designated to have faculty status without academic rank have voting privileges in the Faculty Senate and in all Faculty Senate sponsored referenda, and receive the agenda and minutes of all Faculty Senate proceedings. A special faculty category is the Professional Educator. On the recommendation of a Department, individuals with the Professional Educator rank may be employed on renewable, non-tenure-track contracts with no single contract to be for more than three (3) years. Professional Educators may neither have served in a tenure-track position at the University nor may their positions subsequently become tenure-track nor may they be considered for tenure in those positions. They will not be required to engage in traditional scholarship but will be required both to remain current in their area of specialization and to perform other duties normally expected of full-time faculty members. They will be subject to annual Department review and have the rights and privileges normally granted to a full-time faculty member, but they will neither displace current tenure-track faculty members nor occupy tenure-track faculty positions. At any given time, no Department may have more than two (2) individuals occupying these full-time positions, with the exception of the Department of English, which may have four (4) Professional Educator positions, and the Department of Physical and Biological Sciences, which may have seven (7) Professional Educator positions. At any given time, Professional Educator positions will be limited to no more than twenty percent (20%) of the full-time faculty in each College.

Section 2 Academic Freedom

2.1. Western New England University recognizes the rights of faculty and instructional staff to inquire, discover, teach, and publish in accordance with the accepted principles and standards of professional practice and scholarship. Members of the University faculty and instructional staff are entitled to full freedom in research and in the publication of its results, subject to the adequate performance of other academic duties.

2.2. Any speech or conduct expressing disrespect for the ethnicity, sexual orientation, gender, religious affiliations, age, physical and mental disabilities, and other protected classes of individuals is not sanctioned by academic freedom. Inquiry and discussion are to be conducted in an atmosphere of respect for persons and their right to express and to defend rationally their points of view in and outside the classroom.

2.3. When a faculty member speaks or writes as a citizen, he/she should be free from institutional censorship or discipline, but his/her special position in the community imposes special obligations. Faculty members must remember that the public judges the profession and the institution by their utterances. Hence, the teacher should at all times strive to be accurate, exercise appropriate restraint, and show respect for the opinions of others. It is understood that faculty members do not represent the University when they present their views in public and shall attempt to avoid misunderstandings to the contrary.

2.4. The University's library services, books and all other materials selected are chosen for values of interest, information and enlightenment of all members of the academic community. In no case may materials be excluded because of the race, nationality, sexual orientation, political or religious views of the authors. Library materials may not be excluded from the library because of ecclesiastical, ideological, or political pressures from inside or outside of the University.

2.5. The University supports faculty members in the exercise of rights of academic freedom as defined herein.

Section 3 Contracts

3.1. The University issues three (3) kinds of contracts to faculty members:

3.1.1. Initial appointment contracts. These specify all initial conditions of academic appointments. Initial contracts are issued at the time of appointment to the faculty.

3.1.2. Annual renewal contracts. These specify changes in salary and/or other special mutually agreed upon assignments for tenured faculty members and/or tenure-track faculty members whose appointments continue.

Renewal contracts for faculty members already on the staff of the University are issued no later than March 15th of each calendar year.

3.1.3. Contracts for visiting and other non-tenure-track faculty. These are one (1) or multi-year non-tenure-track contracts issued to faculty filling non-tenure-track positions. Faculty with such contracts may not serve for more than five (5) successive academic years. This restriction does not apply to Professional Educators. One-year and multi-year non-tenure-track faculty members are bound by all of the relevant sections of the Faculty Handbook.

3.2. All contracts are issued in writing by the President. The University disclaims, does not honor, and is not bound by any and all oral promises of employment. No member of the Board of Trustees, officer, or employee of the University is authorized to make oral promises of employment or any conditions thereof.

3.3. Instructional faculty members of the University are governed by the provisions of the Faculty Handbook, which provisions are incorporated by reference in each and every faculty contract unless otherwise specified in the faculty member's initial contract or renewal letter. Since the provisions of the Faculty Handbook evolve, faculty members are bound each year, unless otherwise specified, by all revisions to the Faculty Handbook approved by the Board of Trustees in accordance with the procedures for revision contained herein.

3.4. Initial contracts shall be considered executed when signed by the appointee and returned to the Provost's Office no later than fifteen (15) calendar days from the date of issuance indicated on the appointment contract.

3.5. Renewals of Tenure-Track and Tenured Faculty Contracts:

3.5.1. Continuing faculty members must return renewal contracts to the Provost's Office no later than April 1st or two (2) weeks after the issuance of contracts, whichever is later. The failure of a faculty member to return a signed contract within the prescribed period shall be deemed to be a resignation, unless the Provost is notified in writing by the faculty member during such two (2) week period of a need for an extension. If a faculty member fails to return his/her contract within the specified period or any further period agreed to by the Provost, the Provost shall notify him/her by certified mail to the last address provided to the University by the faculty member that unless he/she returns a signed contract within fourteen (14) days of the faculty member's receipt of such letter, his/her resignation will be accepted. If the Provost does not thereafter receive a signed contract, or other response acceptable to the Provost, within fourteen (14) days of the faculty member's receipt of the certified mail, as it appears on the return receipt, the University may consider the faculty member to be dismissed at the end of his/her existing contract and take steps to replace the faculty member unless there is a presentation of extenuating circumstances.

3.6. Non-Renewals of Tenure-Track Faculty Appointments:

3.6.1. The University reserves the right to recruit and retain the best qualified faculty members within its means. The service of tenure-track faculty members prior to the granting of tenure by the Board of Trustees is probationary. The decision of the University to dismiss a tenure-track faculty member shall not be arbitrary, capricious, or discriminatory. The University may elect not to renew the contract of a tenure-track faculty member if a) he/she consistently fails to be rated as meritorious in teaching or is rated as unacceptable in teaching by the appropriate Dean and Department Chair, b) enrollments or other staffing needs of the University require it, or c) the faculty member's conduct within the University seriously and persistently interferes with his/her own or others' professional responsibilities. The decision to renew or not renew a tenure-track faculty member is made by the President after receiving the recommendations of the Provost, the appropriate Dean, Department Chair, and Peer Review Committee. Notices of non-renewals must be issued by the President or her/his designee to a tenure-track faculty member in writing no later than March 15th of the first full academic year of service, and no later than December 15th of the current academic year of service, if the faculty member has served one (1) or more complete academic years.

Section 4 Period of Service

4.1. Faculty are obligated by contract to the period of service from The Fall Academic Convocation in the Fall Semester through Spring Commencement. Contracts may be issued for different periods of service or with additional responsibilities. Faculty members teaching in the Graduate Program and/or Off-Campus Programs or other programs operating on a different academic calendar may have different periods of service.

Section 5 Procedures for Annual Review, Reappointment, Tenure, and Promotion for Junior and Senior Faculty

5.1. Procedures for Junior Faculty

5.1.1. Junior faculty comprise all faculty who have twelve (12) years or less of service to Western New England University, or equivalent experience. Annual reviews provide a basis for decisions on reappointment, promotion, tenure, and salary. Also, during the annual review, the Dean can comment, counsel and advise on teaching methods to assist junior faculty in developing satisfactory classroom techniques.

5.2. Peer Review Committees

5.2.1. A Peer Review Committee shall be maintained in each College to review all candidates who are eligible and make formal application for reappointment, tenure, or promotion. Peer Review Committees will also review the performance of full-time tenure-track faculty members, and tenured faculty members whose performance, in the judgment of Department Chairs and/or Deans in annual reviews, do not meet the standards set forth in the Criteria for Evaluation, Section 5.(A).

5.2.2. Peer Review Committee members will be elected in each College. Eligibility for service is restricted to tenured associate or full professors; Department Chairs are generally not eligible unless small department size dictates his/her involvement; faculty members under review for tenure or promotion are not eligible to serve. One-half (1/2) of each committee must be composed of full professors, whenever possible. The term of service is two (2) years. Faculty members may serve only two (2) successive two (2) year terms. Members rotating off service may not be re-elected during the next two (2) years. The committees in the Business and Engineering Colleges shall have five (5) members; the College of Arts and Sciences shall have seven (7) members. Election process: each College will create a pool of qualified faculty who express willingness to stand for election. The committee will be formed through a college-wide election conducted through the Dean's office.

5.3. Annual Review Policy

5.3.1. The performance of all faculty members, tenured, tenure-track, and non-tenured, is reviewed annually by their Department Chairs and Deans. If the immediate supervisor of a Professional Educator is not the Department Chair, the supervisor will submit a report to the Department Chair for inclusion in the annual review. Peer Review Committees shall also conduct annual reviews of tenure-track faculty members eligible for re-appointment, and faculty members who are eligible for and request review for tenure and/or promotion in rank, and others as defined in 5.2.1. above.

5.3.2. Faculty self-evaluation reports, student evaluations, and portfolios (as described in Section 5.(A). and Appendix 1) of tenure-track faculty members and of those seeking tenure and/or promotion are to be sent to the Chairperson of the appropriate Peer Review Committee separately in the case of reappointment reviews and as part of dossiers for tenure and promotion reviews. The Peer Review Committee may request from faculty members other material it deems appropriate.

5.3.3. Request for student evaluations of all faculty are mandatory in each section of each class. Faculty may design their own instruments for student evaluations, subject to the approval of their department. Faculty are encouraged to use instruments that will be of particular assistance in helping them develop as teachers. Such instruments are important in assuring that faculty members are aware of student perceptions of their classroom performance and course content. Faculty members must submit all student evaluations for all sections of all

courses, as well as portfolios and other materials as specified in Appendix 1, along with their annual self-evaluation reports to their Department Chair and Deans. Summaries of all student evaluations of all courses must accompany the annual self-evaluation reports submitted to Chairs and Deans. Original student evaluations must be available for review.

5.3.3.1. Faculty members shall discuss with their Department Chairs and Deans the concerns expressed by the students and determine which trends require attention and which do not. Annual performance review ratings in the area of teaching may not rest on the results of student evaluations alone but shall be based upon comprehensive evidence of effectiveness in accordance with accreditation requirements and Faculty Senate approved and published standards as outlined in Section 5.(A).

5.3.4. Recommendations, as well as any and all communications of Peer Review Committee deliberations, including minority reports, shall be transmitted by the Chair of the Committee to the Dean of the College. The Dean shall provide the faculty member with a copy of the review. Review forms shall be signed by each member of the Peer Review Committee and retained in the permanent personnel file of the faculty member under review. Narrative statements of the faculty member's performance must also be signed by each member of the Peer Review Committee and included in the permanent personnel file of the faculty member. The Dean shall review the faculty member's dossier, the recommendations of the Peer Review Committee and the Department Chair and submit such with her/his own separate recommendation to the Provost.

5.3.5. Faculty members who disagree with the evaluation of the Dean, Department Chair, or Peer Review Committee may append a written statement to the annual review. The review and any appended statement shall become a part of the faculty member's permanent personnel file.

5.4. Categories of Evaluation:

5.4.1. The following three (3) categories, or areas of responsibility, defined and explained in Section 5.(A)., are to be assessed in the process leading to recommendations for reappointment, tenure, and/or promotion: Teaching, Professional Development/Research/Scholarship, and Governance/University Service/Advising. The weighting of each of these areas for performance evaluation and merit salary increases are recommended by the faculty member, in accordance with Section 5.(A)., and must have been approved by the Department Chair and Dean at the beginning of the year of the performance under review.

5.5. Procedures for Senior Faculty

5.5.1. Senior faculty are defined as tenured full professors or associate professors who have at least thirteen (13) years of teaching or academic administrative service at the University, or faculty with equivalent experience. Equivalent experience will be defined in the letter of appointment at the time that the faculty member is hired.

5.5.2. Senior faculty will submit abbreviated annual reviews. They will be submitted to the Department Chair who will prepare a written evaluation that will accompany the annual review when it is forwarded to the Dean. This review is a narrative of accomplishments, and must separately cover each of the four (4) evaluative categories.

5.5.2.1. A full review including a meeting among the Dean, the chair, and the senior faculty member for the purpose of evaluating performance will only be scheduled under the following circumstances:

when the Dean and Department Chair mutually agree that there is reasonable cause to call for a full review, or when the faculty member requests a full review. In either of the preceding circumstances, notice must be given at least six (6) weeks in advance of the full review. If a full review is called, a complete set of supporting documents may be requested by the Dean or voluntarily submitted by the faculty member. Therefore, senior faculty should retain supporting documents from the preceding year.

5.5.2.2. For senior faculty, the abbreviated annual report will be reduced to a concise description of

activities, organized under the following standard headings: Teaching Effectiveness, Professional Development/Scholarship, Governance/University Service/Advising.

5.5.2.3. Normally, supporting documents will not be submitted with the abbreviated annual report.

Among the documents that are not required are the following: originals of student evaluations, copies of syllabi, exams, student work, letters, committee reports, grant applications, professional publications.

5.5.2.4. The faculty member may include, or the Dean or Department Chair may request, copies or originals of any documents that are singularly important for evaluation in the year under review.

5.5.2.5. The Dean's written evaluation and salary recommendation shall be based upon the abbreviated annual report submitted by senior faculty together with the written evaluation prepared by the Department Chair. There should be reasonable consistency in these recommendations from year to year. If the Dean or Department Chair has reason to think there has been a change in performance relative to the past norm sufficient to justify a major alteration of the evaluation, then a full review and interview should be held before any substantial change is made to the evaluation and salary recommendation. The Dean will provide written notice to the faculty member concerning the full review at least six (6) weeks before the interview is held and also state the specific reason for the review. The faculty member should receive copies of both the evaluation by the Department Chair, and the evaluation by the Dean in all cases.

Section 5.(A). Criteria for Evaluation for Annual Review, Tenure, or Promotion

5.(A).1. The performance review process described in the Faculty Handbook provides for a performance evaluation of all full-time members of the faculty. However, senior faculty will normally receive an abbreviated annual review. The evaluation of a faculty member for reappointment, tenure, and promotion is the joint responsibility of the Peer Review Committee, Department Chairperson, Dean, Provost, and President. The Faculty Handbook stipulates that faculty members shall be evaluated in three (3) categories or areas of responsibility. The categories and permitted range of weightings are given below. The total weighting may not exceed one hundred percent (100%).

5.(A).1.2. In the performance review, the only evaluative terms to be used are: highly meritorious, meritorious, acceptable, and unacceptable. The criteria for use of each evaluative term in each category of evaluation are specified below.

5.(A).1.3. In the performance review, each faculty member shall inform the Department Chairperson and Dean of the weightings of the categories of evaluation to be applied for the year under review. It is important that the Dean and Chairperson use the criteria of evaluation for each of the three (3) evaluative categories in the same way for all faculty members.

Section 5.(A).2. Teaching

55-65%

5.(A).2.1. For the annual evaluation of teaching, non-senior faculty members must submit a complete set of student evaluations from all courses and a portfolio that includes syllabi for all courses and, for all courses, representative samples of assignments and examination questions, a representative sample of graded student work (for example, examinations, quizzes, problem sets, papers), and, if desired, testimonial student letters. In the performance review, faculty members should comment on the opinions expressed in the student evaluations. Judgments as to whether or to what extent faculty meet the criteria of evaluation may not be based solely upon student evaluations. Chairs are encouraged to consult with colleagues in the department when evaluating a faculty member's teaching effectiveness.

5.(A).2.2. At the beginning of each year, faculty members and their Deans and Department Chairpersons shall discuss how the following criteria will be used to determine the elements of acceptable teaching. Faculty members who, in the judgment of the Dean and Chair, fail to meet the agreed upon expectations may be rated as "unacceptable" in teaching. Faculty will be assumed to meet the criteria in 5.(A).2.2.1. through 5.(A).2.2.9. unless there is adequate evidence to show that they do not. That is, the burden of justification lies with the evaluator to show that a faculty member does not satisfy the criteria listed in 5.(A).2.2.1. through 5.(A).2.2.9. rather than with the faculty member to show that he/she does meet the criteria.

5.(A).2.2.1. The faculty member provides students at the beginning of the semester with a written syllabus that includes: course objectives, office location and office hours, course requirements and grading policies, attendance and other policies, and the outline of topics to be covered during the semester.

5.(A).2.2.2. The faculty member schedules at least five (5) office hours per week that are convenient for the students. Such hours must be posted.

5.(A).2.2.3. The faculty member regularly keeps classes in attendance for the scheduled class period and for the scheduled semester.

5.(A).2.2.4. The faculty member's courses are coherently organized.

5.(A).2.2.5. The faculty member's class presentations are well organized, carefully prepared, and understandable to most of the class.

5.(A).2.2.6. The faculty member's grading practices are fair, appropriate, and timely.

5.(A).2.2.7. The faculty member is tolerant of differing points of view while encouraging critical thinking (tolerance of differing views does not prohibit correcting students' errors).

5.(A).2.2.8. The faculty member treats all students fairly and with respect.

5.(A).2.2.9. The faculty member submits all grades as required.

5.(A).2.3. To be rated as "meritorious" in teaching, faculty members must satisfy to a high degree Criteria 5.(A).2.2.1. through 5.(A).2.2.9. and 5.(A).2.3.1. through 5.(A).2.3.2.

5.(A).2.3.1. The faculty member is able to motivate students as well as stimulate in students an interest in and enthusiasm for the subject.

5.(A).2.3.2. The faculty member helps students achieve the objectives of the course.

5.(A).2.4. To be rated as "highly meritorious" in teaching, a faculty member must satisfy to a higher degree than "meritorious" the criteria 5.(A).2.2.1. through 5.(A).2.2.9. and 5.(A).2.3.1. through 5.(A).2.3.2. A rating of "highly meritorious" in teaching may be given to a faculty member only if the Dean and the Chairperson agree on the rating. If the faculty member is a Chairperson, he/she may be rated "highly meritorious" in teaching only if the Dean and Peer Review Committee agree. If the Dean believes that a Department Chairperson merits a rating of "highly meritorious" in teaching, the Dean must submit the Chairperson's materials to the Peer Review Committee for its evaluation and recommendation.

5.(A).2.5. Individual Colleges and/or Departments may establish and publish supplementary criteria for acceptable, meritorious, and highly meritorious teaching that are discipline specific and/or unique to accepted standards of teaching in the discipline.

5.(A).3. Professional Development/Scholarship 15-35%

5.(A).3.1. This area can be satisfied by either Professional Development or Scholarship or both.

5.(A).3.2. Professional Development is any activity that improves the faculty member's teaching methods, teaching effectiveness, or knowledge of the discipline. It may include activities such as serving as an officer in a professional organization, systematically reading professional journals, attending or participating in seminars or professional meetings, visiting relevant sites for the purpose of professional study, engaging in professional consulting or other work relevant to one's discipline (for example, providing direct services relevant to one's teaching responsibilities to clients off-campus), taking courses in one's discipline or related disciplines, developing new courses, substantially revising courses, developing new instructional material, experimenting with new instructional material, experimenting with new

instructional methods, and writing articles on teaching methods for professional journals. Except for the last one, none of these activities need result in presentations at professional meetings or publication.

5.(A).3.3. Scholarship is defined as activity that uncovers new knowledge. Generally, only an activity that leads to publications or presentations at professional meetings or conferences counts as scholarship. It may be basic, pedagogical, or applied. Basic scholarship leads to the discovery of new knowledge. Pedagogical scholarship is activity that leads to the application, transfer, or interpretation of knowledge to improve practice and teaching in the discipline. Applied scholarship is the use of any basic scholarship in settings appropriate to individual disciplines. Examples of scholarship include but are not

restricted to: professional presentations; publications in refereed journals, monographs, articles in trade or popular journals; book reviews; textbooks; creating of application or instructional software; presentations at faculty workshops; grant proposals; written cases with instructional material; publicly available material describing the design and implementation of new courses; inventions; discoveries; patents; novels; short stories; essays; poetry; general nonfiction books; refereed Internet publications. One index of the quality of such scholarship is the degree to which it is peer-reviewed.

5.(A).3.4. In the area of Professional Development/Scholarship, ratings of highly meritorious, meritorious, acceptable, and unacceptable are possible.

5.(A).3.5. These requirements are minimal for all University faculty. Individual Colleges by majority vote of their faculty may develop alternative requirements in order to impose more stringent standards, or to reflect standards peculiar to specific disciplines, or to meet requirements of accrediting agencies. These alternatives must be approved by the Senate.

5.(A).4. Governance/University Service/Advising 10-30%

5.(A).4.1. Full-time instructional faculty members are expected to participate actively in the management of the University's activities on the departmental, College, and/or University-wide level. Relevant governance activities include assisting one's Chairperson in departmental business, participating in departmental or College committee work, serving on the Faculty Senate or a committee of the Faculty Senate, and advising students academically. The contribution of instructional faculty in any of these areas will be established in consultation with the faculty member's Chair or Dean.

5.(A).4.1.1. Academic advising at Western New England University is framed against the University Mission Statement and is guided by a commitment to student academic progress and personal growth. Specifically, academic advising is intended to enhance and support student learning in an atmosphere of personal concern. Academic advising seeks to engage intellectual growth and self-discovery, and is carried out through a consistent exchange between student and academic advisor. The aim of the relationship is to prompt the student to develop decision making skills, set realistic goals, and practice the necessary coping strategies to attain their educational, life, and career goals. Academic advising activity includes but is not limited to assisting students in their choice of careers, academic objectives, and the means to meeting those objectives.

5.(A).4.2. All faculty are expected to attend the University Academic Convocations and Commencement, college meetings, and department meetings. University service includes attending admissions events on or off-campus and working with student organizations, as well as utilizing the faculty member's professional expertise in working with the community. Because these activities are a matter of degree, whether they justify a rating of highly meritorious or acceptable will depend on the extensiveness of the activities.

Section 6 Tenure and Promotion

6.1. The decision to grant tenure is a particularly significant one. Tenure will be granted only to those candidates who, when their performance is judged using the Criteria for Evaluation in Section 5.(A)., can be expected to make significant and lasting contributions to the teaching mission of the University.

6.2. To receive a tenure review, an eligible faculty member must make a formal written request for a tenure review no later than October 1st of the academic year in which the review is to be conducted. Such requests must be made in writing to the Dean of the College in which the faculty member is to be appointed. Eligibility for review is defined in Paragraph 6.4. below. If a faculty member fails to request a tenure review by October 1st, before deeming the failure as a decision on the part of the faculty member to decline a tenure review, the Provost shall so notify the

faculty member in writing by certified mail to the last address provided to the University by the faculty member that the request for tenure review has not been received. The University may deem the failure by the faculty member to deliver to the Provost a request in writing for a tenure review within seven (7) calendar days of the faculty member's receipt of such notice as his/her decision to decline tenure review. It will then be assumed that the faculty member's current contract is terminal unless he/she is not in his/her last year of eligibility as defined in Paragraph 6.4.2. to 6.4.4.

6.3. It is a necessary but not sufficient condition for the granting of tenure that, in the two (2) academic years preceding the tenure review, candidates be rated no less than "Meritorious" in teaching and no less than "Acceptable" in each of the other areas of performance by two (2) of the three (3) evaluators (the Peer Review Committee, the faculty member's Chair, and

Dean). They must also be rated no less than “Meritorious” in professional development/scholarship in any two (2) years of previous tenure-track service at the University by two (2) of the three (3) evaluators. In the case of a chairperson being reviewed for tenure, the third evaluator will be a chair selected by the dean from a comparable discipline.

6.4. Tenure may be granted by the Board of Trustees, as follows, upon the recommendation of the President following the recommendation of the Provost:

6.4.1. Instructors are not eligible for tenure and may not be continued at the University for more than five (5) years as such.

6.4.2. Assistant Professors normally must apply for tenure during the sixth (6th) year of continuous service at the University in tenure-track appointments, not including time spent in the rank of Instructor. The time may be shortened by terms stipulated in the initial letter of appointment. Continuous service at the University in tenure-track appointments should be defined in individual contracts in the case of administrative positions.

6.4.3. Associate Professors are eligible to be considered for tenure after no fewer than four (4) full years of continuous service at the University in tenure-track appointments.

6.4.4. Full Professors are eligible to be considered for tenure after no fewer than three (3) full years of continuous service at the University as tenure-track faculty.

6.4.5. The length of the probationary period may be shortened to any length at the discretion of the President upon the recommendation of the Department Chair and Dean of the College depending upon such factors as length and quality of service at other institutions and/or prior professional service. If the length of the probationary period is to be shortened, it will be so noted in the original letter of tenure-track appointment.

6.5. Eligibility for promotion is as follows:

6.5.1. An Assistant Professor who makes a request for tenure review will simultaneously be considered for promotion to Associate Professor at the time of that review. Promotion to Associate Professor will occur upon the granting of tenure. An Assistant Professor may not be promoted to Associate Professor without being granted tenure.

6.5.2. Associate Professors are eligible to make application to be reviewed for promotion to Professor no earlier than six (6) full years from the date of promotion to Associate Professor. Promotion to Professor is the highest honor to be bestowed by the University and a faculty member’s colleagues upon a faculty member. It is neither automatic nor routine. It requires the unreserved and unconditional expression of the confidence of the Faculty and the President as to the significance of the contribution of the faculty member to the students and to the intellectual and moral substance of the University Community as well as to her/his academic discipline. The President’s decision is guided, but not bound, by recommendations from the Provost, the Dean, the Department Chair, and the Peer Review Committee.

6.5.3. Applications for promotion shall be evaluated on the basis of activities and accomplishments that have occurred since the faculty member’s last promotion.

6.5.4. To receive a combined tenure/promotion review or a review for a promotion to Full Professor, an eligible faculty member must make a formal written request no later than October 1st of the academic year in which the review is to be conducted. The letter should summarize the qualifications of the candidate for the position requested. Such requests must be made in writing to the Dean of the College in which the faculty member is appointed. In the application, the faculty member should include an updated resume or curriculum vitae and separately discuss and summarize the following areas: Teaching Effectiveness, Professional Development/Scholarship, and Governance/University Service/Advising. The primary dossier should consist of printed material in a single 1-1/2 inch binder.

6.5.5. It is a necessary but not sufficient condition for the granting of promotion to Full Professor that, in the two (2) academic years preceding the review, candidates be rated not less than “Meritorious” in teaching and

no less than “Acceptable” in each of the other areas of performance by two (2) of the three (3) evaluators (the Peer Review Committee, the faculty member’s Chair, and Dean). In the same manner the faculty member must have no less than a “Meritorious” in each of the areas of Professional Development/Scholarship and also Governance/University Service/Advising for three (3) years during the previous six (6) years of service at the University. In the case of a Chairperson being reviewed for promotion, the third evaluator will be a Chair selected by the Dean from a comparable or compatible discipline.

6.5.6. In making the recommendation for promotion, the Chair should consult with the faculty member’s colleagues in the department. If the Chair is the candidate for promotion, the consultation with faculty will be made by the Dean. The Chair and a department member on the Peer Review Committee normally have independent judgments and opinions, but consultations should insure that they are not contradictory.

6.5.7. Faculty members who are promoted to the rank of either Associate or Full Professor will receive a promotion increase to be added to their base salary. The amount of future promotion increases will be reviewed periodically by the Personnel Committee.

6.6. Tenured faculty may be dismissed only for just cause (see Section 6.(B). or discontinuance of programs and reductions in force (see Section 6.(C).

Section 6.(A). Procedures for Appealing Reappointment, Tenure, and Promotion Decisions

6.(A).1. Faculty members may appeal a reappointment, tenure, or promotion decision by submitting a written request for a review of the decision to the Provost. The review shall be conducted by the Committee on Reviews. Requests for a review must be submitted to the Provost within ten (10) calendar days of the faculty member’s receipt of notification of the decision.

6.(A).2. The purpose of a review is to determine whether the Criteria for Evaluation were applied fairly and consistently in accordance with Section 5.(A). and Appendix 1, and to determine whether the faculty member was treated in a discriminatory, arbitrary, or capricious manner.

6.(A).3. This Committee shall be composed of one (1) tenured faculty member from each of the undergraduate Colleges.

6.(A).4. Members of the Committee on Reviews are elected by the Faculty of their respective Colleges. Members must be tenured. Full professors are to be selected first for service. Associate professors may serve only when there are no full professors available to serve. Members serve two (2) year terms and may not serve more than two (2) successive terms.

6.(A).5. The Provost shall convene the Committee on Reviews within fourteen (14) calendar days of the receipt of a written request for review, instruct the Committee, and provide any preliminary materials necessary to conduct the review. Committee members shall elect a Chairperson who shall conduct the Committee’s proceedings. The Committee shall hear the testimony of the faculty member requesting the review and of those principals involved in the decision-making process. The Committee shall call the grievant as the first witness and as the last witness in order to provide the grievant with an opportunity to rebut any testimony provided to the Committee. The grievant may be accompanied at the meetings of the Committee on Reviews by an advisor of his/her choice; the faculty member may converse with the advisor, but the advisor may not make presentations, provide testimony, or make arguments. The Committee’s Chairperson shall submit a written report to the President within thirty (30) calendar days after receiving the charge from the Provost. The report shall recommend either that the decision being appealed be upheld, that it be reversed, or that some other suitable remedy be provided to the faculty member. Upon receipt of the Committee’s report the President shall make a decision and communicate it to the faculty member within ten (10) calendar days. The decision of the President is final.

Section 6.(B). Sanction or Dismissal of Faculty Members for Just Cause

6.(B).1. Faculty may be sanctioned or dismissed for just cause. Dismissal may occur by action of the Board of Trustees on the recommendation of the President in accordance with the procedures outlined later in this section. The burden of proof shall be on the University and its officials to demonstrate just cause. The decision of the University to sanction or dismiss a faculty member shall not be arbitrary, capricious, nor discriminatory. “Just Cause” is defined for the purposes of this Faculty Handbook as follows:

6.(B).1.1. Unacceptable teaching

6.(B).1.2. Misconduct

6.(B).1.2.1. Egregious dishonesty in scholarship and/or research.

6.(B).1.2.2. Violation of the University's sexual harassment/discrimination policy.

6.(B).1.2.3. Conduct on or off-campus that substantially impairs the faculty member's ability to perform his or her responsibilities. (A faculty member's conduct off-campus does not normally subject the faculty member to disciplinary action. However, where either off-campus or on-campus conduct or allegations of such conduct substantially impair the faculty member's ability to perform his or her duties or interferes with the normal operation of the University, appropriate action may be taken.)

6.(B).2. Penalties The severity of the penalty imposed for violation of the Faculty Handbook provisions on just cause will be based on both the current claim and, if applicable, the respondent's previous record of misconduct. Faculty members found to have violated the just cause policy are subject to one (1) or more of the following range of penalties:

- (a) warning, meaning a written statement to the faculty member that he or she has violated the Faculty Handbook. Copies of warnings will be placed in the faculty member's permanent record;
- (b) fines or restitution, defined as reimbursement to the University or a third party for personal or property damage;
- (c) educational sanctions, which include but are not limited to referrals for counseling and/or the assignment to educational programs. A failure to fulfill educational sanctions within an agreed-upon period of time shall be cause for sanctions of a more serious nature;
- (d) probation, defined as a stated period of time within which the faculty member's rights to teach or participate in University-sponsored activities, or to benefit from other University privileges may be limited or removed;
- (e) suspension with or without pay, defined as separation from the University for a stated period of time or until specific conditions have been met;
- (f) dismissal, defined as permanent removal from employment or University programs, facilities, and property.

6.(B).3. Suspension of Faculty Members Prior to Formal Investigation A faculty member alleged to have committed misconduct under the just cause section of this Faculty Handbook shall be allowed to continue with the duties specified in his/her annual contract with all pay and benefits during the process of an investigation and a review of termination by the Committee on Reviews and for such further time as specified in his/her contract. However, in the case of a faculty member judged by the Provost to present a serious risk to the safety and security of himself/herself or the University and/or Campus Community, its faculty, staff, and students or where either off-campus or on-campus conduct or allegations of such conduct may substantially impair the Faculty member's ability to perform his or her duties or interferes with the normal operations of the University, the faculty member will be immediately suspended with all pay and benefits and excluded from the campus except to participate in the review process as requested by the investigator or the Committee on Reviews. If the Board of Trustees acts to dismiss the faculty member for just cause, all pay and benefits will cease as of the effective date of dismissal.

6.(B).4. Procedures for Sanction or Dismissal of Faculty for Just Cause

6.(B).4.1. Procedure for Dismissal of Tenured Faculty for Unacceptable Teaching If in the annual review a tenured faculty member is rated "unacceptable" in teaching by his/her Dean after consultation with the Department Chairperson in two (2) successive academic years, the faculty member has one (1) additional academic year to remedy the deficiencies in teaching. After a tenured faculty member has received "unacceptable" ratings in teaching for two (2) successive years, the Peer Review Committee will convene immediately and review the tenured faculty member's performance (per Section 5.2.1.) for the period for which the faculty member received the two (2) "unacceptable" ratings. The Peer Review Committee will then render advisory opinions as to the faculty member's teaching no later than February 1. The advisory opinions must be signed by each member of the Peer Review Committee and will be provided to the faculty member, Department Chair, and Dean, and will be retained in the permanent personnel file of the faculty member under review. If the faculty member under review receives a third successive rating of "unacceptable" in teaching by the Dean after consultation with the Department Chairperson, the Peer Review Committee will immediately review the faculty member in a full review with consideration of the ratings and evaluations of the Dean and Department Chairperson. If the tenured faculty member receives an "unacceptable" rating in teaching by the

Peer Review Committee, the faculty member under review shall be dismissed for just cause. All review forms and narrative statements of the Peer Review Committee must be signed by each member of the Peer Review Committee and will be included in the permanent personnel file of the faculty member being reviewed. A tenured faculty member may be dismissed for unacceptable teaching if and only if the above conditions in this paragraph are met.

6.(B).4.2. Procedure for Sanction or Dismissal of Faculty for Misconduct It is the University's responsibility to inquire immediately into an allegation or other evidence of possible misconduct by a faculty member.

6.(B).4.2.1. If the allegation involves harassment or discrimination the procedures of Section B.11 are invoked.

6.(B).4.2.2. For all other allegations of misconduct, the Provost has the authority and responsibility for overseeing the process. The University may not begin an investigation until after the respondent has been notified in writing of the allegations. The respondent will have access to the relevant documents and other materials considered as evidence and a meaningful opportunity to respond, in writing and within a period of fifteen (15) calendar days to the allegations. Any written materials resulting from the respondent's exercising of these options shall be added to the investigation file.

6.(B).4.2.3. The Provost shall propose three (3) tenured faculty members, any one (1) of whom would be willing to perform a fair, thorough, and impartial investigation in a timely fashion, as defined in Section 6.(B).4.2.6. The accused faculty member must select one (1) of the proposed faculty members to serve as investigator. The investigator's charge will be to gather sufficient information and facts for the purpose of enabling the Provost to determine whether the allegation of misconduct is warranted. The investigator has the discretion to take the following actions during the investigation:

- a) conduct interviews with the complainant, the respondent, and others, as necessary or appropriate;
- b) review available documents and other evidence, as appropriate; and
- c) consult other relevant sources, as appropriate.

6.(B).4.2.4. During this investigation period, the University General Counsel shall provide support and legal counsel to the investigator. Legal principles that pertain to the investigation shall be discussed in advance. All individuals involved must maintain confidentiality to the fullest extent possible during the course of the investigation and will take all reasonable precautions to protect the interests and reputations of the complainant, the respondent, and the University.

6.(B).4.2.5. Upon completion of the investigation, the investigator shall prepare a written report that summarizes the evidence reviewed, interviews conducted, and any other findings. A copy of the report shall be given to the respondent for written comment. If applicable, portions of the investigator's report that address the complainant's role along with the respondent's written comments shall be provided to the complainant for a written response. The investigator shall assemble all documents (report, any written comments of the respondent, and any written comments of the complainant) and forward them to the Provost. The report and all subsequent written comments will become a permanent record.

6.(B).4.2.6. Investigations will be completed within sixty (60) calendar days of their initiation. If the investigator determines that he/she will be unable to complete the investigation within sixty (60) days, he/she shall submit to the Provost a request for an extension that includes an explanation as to why he/she is unable to conclude its work during the prescribed time period, as well as an estimate of the amount of time required to complete the work. A copy of this request shall be forwarded to the respondent with the Provost's decision regarding the requested extension.

6.(B).4.2.7. Upon receipt of the report and all subsequent written comments, the Provost will make a determination as to whether the allegation of misconduct has been substantiated. The Provost shall

notify the respondent in writing of the decision within fifteen (15) calendar days of the submission of the documents from the investigator. If the misconduct is substantiated, appropriate disciplinary action shall be taken by the Provost against the respondent (see Section 6.(B).2.) The respondent may accept the penalty or appeal the penalty as described in Section 6.(B).5.

6.(B).4.2.8. All records, reports, and other documentation pertaining to an investigation of misconduct will be securely maintained with the Provost's Office. Materials will be available only on a "need to know" basis. A record of the investigation in cases of substantiated misconduct will become a permanent part of the respondent's personnel file. The record of the investigation in cases of unsubstantiated misconduct will be sealed and maintained in the office of the University General Counsel. The respondent will be notified of the disposition of the investigative report.

6.(B).4.2.9. If the complainant or the respondent leaves the University before the allegations are resolved, the University reserves the right to make a good-faith effort to continue the investigation process to reach a conclusion. The decision of whether to continue the investigation under these circumstances will be at the discretion of the Provost.

6.(B).4.2.10. If the process described above produces a finding of no misconduct having occurred, the Provost shall undertake diligent efforts to restore the academic reputation of the respondent. Diligent efforts will also be taken to protect the position and reputation of the complainant. If it is determined that the allegation was made with malice or intentional dishonesty, appropriate disciplinary action shall be taken against the complainant.

6.(B).5. Appeal of Sanction or Dismissal Decisions

6.(B).5.1. All penalties outlined in Section 6.(B).2. may be appealed. Within ten (10) calendar days after receipt of the written notification of the decision, the faculty member may request a review by the Committee on Reviews (Section 6.(A).) or may resign from the University. Requests for a review must be made in writing and submitted to the Provost. If a tenured faculty member does not request a review of a decision to dismiss, the Provost will notify the President, who then may make a recommendation for dismissal to the Board of Trustees. The action of the Board of Trustees is final.

6.(B).5.2. If the faculty member requests a review of the decision to sanction or dismiss, the Provost shall convene the Committee on Reviews within fourteen (14) calendar days of receipt of the faculty member's request for review. The Committee on Reviews shall be enlarged to include one (1) additional faculty member chosen by the Dean of the College of the faculty member facing sanction or dismissal. The original investigator shall not serve on the enlarged Committee on Reviews. If a tenured faculty member facing dismissal requests a review, the President may not submit a recommendation to the Board of Trustees until the Committee on Reviews submits its report and recommendations.

6.(B).5.3. The Committee on Reviews shall conduct a *de novo* review of the decision to sanction or dismiss and the process and consideration leading to it, including all of the procedural and substantive issues.

6.(B).5.4. The Provost shall present the case on behalf of the University, and shall furnish the Committee on Reviews with all of the evidence, arguments, and reasons on which the decision to initiate sanction or dismissal is based including evidence from the respondent's personnel files as required. The Provost shall also have the right to bring witnesses to testify before the Committee on Reviews.

6.(B).5.5. The faculty member facing sanction or dismissal may present to the Committee on Reviews all relevant information, arguments, and reasons in his/her own behalf. The faculty member facing sanction or dismissal shall also have the right to bring witnesses to testify before the Committee on Reviews. He or she may also be accompanied at all hearings of the Committee by an advisor of his or her choice with whom he/she may confer; however, the advisor may not make presentations, provide testimony, or make arguments.

6.(B).5.6. The Committee on Reviews, at its discretion, may request the testimony of additional witnesses

and/or the submission of additional documents.

6.(B).5.7. Within sixty (60) calendar days of the convening of the Committee on Reviews, it shall submit to the President its report. The Committee may submit a request to the Provost for a reasonable extension of the sixty (60) day deadline in case it is unable to complete its deliberation within the sixty (60) day time limit. The Provost must consent to a request for an extension provided that the request is for no more than thirty (30) additional calendar days. The report shall contain a majority recommendation for or against sanction or dismissal with an indication of the size of the majority (5-0, 4-1, 3-2) and summary of the majority's reason for its recommendation. If the recommendation is not unanimous, the report may include a minority recommendation and a summary of the minority's reasons for its recommendation.

6.(B).5.8. The President shall examine the report of the Committee on Reviews, and make a decision for sanction or dismissal within ten (10) calendar days of receipt of said report.

6.(B).5.9. If the Committee on Reviews' recommendation is for dismissal of a tenured faculty member, the President shall decide within (10) ten calendar days of receipt of the report of the Committee on Reviews whether to submit a recommendation of dismissal of the tenured faculty member to the Board of Trustees, and shall so notify the faculty member in writing. If the President decides to submit a recommendation of dismissal to the Board of Trustees, he/she shall submit the recommendation in writing within fourteen (14) days of receipt of the report of the Committee on Reviews.

6.(B).5.10. The recommendation of the President to the Board of Trustees for dismissal shall include the University's reasons for initiating dismissal proceedings and must be accompanied by the report of the Committee on Reviews.

6.(B).5.11. The Board of Trustees, upon receipt of a recommendation to dismiss a tenured faculty member for just cause, shall meet to act on the President's recommendation. The action of the Board of Trustees is final.

6.(B).5.12. If the Board of Trustees votes to dismiss a tenured faculty member for just cause, within three (3) calendar days of the Board's action the dismissed faculty member must be notified in writing of the Board of Trustees' decision and must be provided with a written copy of the President's recommendation to the Board and the accompanying documentation specifying the President's reason for recommending dismissal.

Section 6.(C). Discontinuance of Programs and Reductions in Force

PREAMBLE: It is the responsibility of the Board of Trustees to ensure both the high quality and integrity of the academic programs and the financial health of the University. The Board is, therefore, obligated to take actions which are reasonable and prudent to discharge such responsibilities. When the academic integrity and/or financial health of the University is jeopardized the Board may discontinue academic degree programs, academic majors, departments and/or Colleges. It may also effect reductions in force. Such actions of the Board of Trustees are taken in accordance with the procedures set forth below:

6.(C).1. Academic degree programs, academic majors, academic departments, and/or Colleges, may be totally discontinued, or reduced in size and/or scope, and there may be a reduction in faculty as a result of such, when the Board of Trustees of the University deems it prudent and appropriate because such programs, majors, departments, and/or Colleges (a) are chronically under-enrolled, and/or, (b) are too costly reasonably to maintain. Tenured Faculty members may be dismissed as a result of such discontinuance or reduction only if there is a *bona fide*, significant, financial hardship that interferes with and/or poses a serious threat to the academic and/or financial health of the University and for the solution of which other remedies have been considered and determined not to be capable of alleviating the serious academic and/or financial threat. Moreover, the Board of Trustees shall not dismiss tenured faculty members without following all the procedures described herein. If tenured faculty are dismissed because of financial hardship, the decision of the University as to which tenured faculty to dismiss shall be made in good faith and shall not be arbitrary, capricious, nor discriminatory.

6.(C).1.1. The Board of Trustees and the faculty bear joint responsibility for academic quality.

6.(C).2. Proposals for discontinuation, reductions in force, or modification of academic programs that could require the

dismissal of tenured faculty will be received by the Provost. Such proposals may be submitted by the Board of Trustees, the President, the Provost, the Vice President for Finance, the Deans, Department Chairs, the Five-Year Planning Committee, and/or the Faculty Senate.

6.(C).3. Prior to recommending the discontinuation, reduction in force, or modification of academic programs, the Provost shall notify the Chair of the Faculty Senate and shall convene a meeting of the Five-Year Planning Committee, Faculty Senate, and affected departments of the University to engage in a good faith effort to find alternatives which will not result in the dismissal of faculty.

6.(C).4. In the event that after completing the process described in 6.(C).3. above, the Provost decides to recommend a discontinuation or modification which will result in the dismissal of tenured faculty, the Provost will notify the Chair of the Faculty Senate and together they will act to convene the Program Review Committee described below.

6.(C).4.1. The Program Review and Reduction in Force Committee shall be convened in compliance with paragraph 6.(C).4. above. The Committee shall review the recommendations of the Provost and, after a complete review, shall submit written recommendations with accompanying justification and supporting documentation to the President of the University as well as the Faculty Senate within time limitations imposed by the President or by the Board of Trustees. The Committee's recommendations may include alternatives to dismissing tenured faculty. If the Committee recommends dismissal of tenured faculty, the Committee's recommendations should include the number of tenured faculty who should be dismissed, which departments and colleges should be reduced in size, and the reasons for such recommendations. However, the Committee shall have no less than ninety (90) days in which to review proposals and prepare and submit recommendations and a final report to the President and the Faculty Senate. The recommendations of the Committee may include alternative remedies, which shall be considered by the President. After review of the Committee's recommendations, the President shall notify the Faculty Senate of his/her recommendations to the Trustees as well as their response to those recommendations. The Board of Trustees has the exclusive authority to determine reductions in force but may only exercise that authority after reviewing the recommendations of the President and the Program Review Committee.

6.(C).4.2. Membership of the Program Review and Reduction in Force Committee shall consist of:

6.(C).4.2.1. Ex Officio Members Without Vote: the Provost (or his/her designate), the Vice President for Finance and Administration (or Assistant Vice President for Finance), the Academic Schedule Controller and Information Analyst, and the Assistant Vice President and Director of Human Resources.

6.(C).4.2.2. Voting Members: five (5) tenured faculty members consisting of a) one (1) elected from each of the three (3) undergraduate Colleges, and b) the Chair and Vice-Chair of the Faculty Senate. When the Committee members are faculty from the affected programs the Faculty Senate shall name other members of the Senate to replace them.

6.(C).4.3. In the event that one (1) of the regular faculty Committee members' own programs is being considered for discontinuation or modification, a first and second faculty alternate will be elected by the Faculty Senate on an at-large basis.

6.(C).5. Rights of Tenured Faculty Upon Discontinuance. Modification or Reduction In Force

6.(C).5.1. Tenured faculty whose positions may be eliminated are entitled to transfer with tenure to a vacant position in the College or another College within Western New England University for which they are qualified by credentials and/or teaching experience, in the judgment of the Chair of the relevant Department, the Dean of the relevant College, and the Provost, subject to the approval of the President. Tenured faculty shall also be entitled to any severance or retirement incentive arrangements or retraining programs recommended by the President and approved by the Board of Trustees. The University will make a reasonable effort, if necessary, to assist dismissed faculty in their search for employment outside the University. (A faculty member may grieve violations in process or procedure leading to dismissal but not the decision. See Section 12, Grievance Procedure for Faculty.)

6.(C).5.2. Should discontinued or modified programs be reinstated or expanded within three (3) calendar years, or if within three (3) years the University requires faculty with the qualification of any tenured faculty member whose position

has been eliminated, the dismissed faculty member(s) shall be offered tenured reemployment.

6.(C).5.3. Tenured faculty who are to be dismissed shall be notified of dismissal within a reasonable period of time but in no case later than December 15th prior to the academic year at the beginning of which the discontinuance of the program or reduction in force is to become effective.

Section 7 Sabbatical Leave

7.1. The purpose of sabbatical leave is to provide tenured full time faculty the stimulus and opportunity to enrich their personal and professional resources through study, scholarly research, practical research, writing, or collegial experiences in teaching and relevant professional activity. The ultimate benefit of every sabbatical must be to the advancement of the mission of the University. Subject to the restrictions of Section 7.3., any application consistent with this purpose is eligible for consideration.

7.2. The University supports or permits sabbatical leave through three (3) programs. In all three (3) programs the sabbatical will not affect the faculty member's seniority or time-in-position status.

7.2.1. University supported one-semester sabbatical grants. A one-semester sabbatical grant evokes no change in the compensation or benefits of the faculty member.

7.2.2. University supported two-semester sabbatical grants. A University-supported two-semester sabbatical grant is for half the direct compensation (salary) for one (1) year plus unchanged health care benefits plus contributions to retirement plans proportionally reflecting the salary reduction.

7.2.3. Combined University and externally funded sabbatical grants. A sabbatical is funded in combination with an external source if both the University and an external agency pay compensation during the sabbatical period. Under this program, the support from the University will be determined in such a way that the total compensation received by the faculty member will not *exceed the regular compensation* (salary and benefits) that would have been received for a one-semester fully funded or a two-semester fully funded sabbatical per Sections 7.2.1. and 7.2.2., above. Recipients are responsible for reporting any salary or salary supplement to the Provost. Grants made specifically to cover travel expenses, equipment cost of projects, or other extraordinary expenses normally not borne by the faculty member will not be included as part of the total compensation.

7.3. Application for Sabbatical leave will be considered only if (5) five conditions are satisfied.

7.3.1. The applicant has been a full-time faculty member for at least (6) six years or a number of years that is specifically indicated in a letter of appointment.

7.3.2. The applicant must be tenured at the time the sabbatical is taken. An untenured faculty member may apply for a sabbatical prior to being granted tenure. A non-tenured member of the faculty may apply for sabbatical leave during the year of tenure application; however, the sabbatical is contingent upon the attainment of tenure.

7.3.3. The applicant must have performed at least (6) six years of continuous service since the last sabbatical, the first year being the year after the year in which the last sabbatical was taken. Approved leaves of absence will not be considered an interruption in continuous service but they will not be included as contributing to time spent in this period of continuous service.

7.3.4. The applicant agrees to return to full-time service at least (1) one year subsequent to taking a sabbatical.

7.3.5. The application has the support of the faculty member's department chair and college Dean.

7.4. Sabbatical leave draws on the limited financial resources of the University so that budgeting processes determine the amount of funding available. When the number of sabbatical applications exceeds or may exceed the financial resources available, the Personnel Committee of the Faculty Senate will prioritize applications and forward recommendations to the Provost for final determination. The Personnel Committee shall establish a standard to allow it to rank each proposal it considers. Such a standard shall incorporate the following criteria in a manner that is neither arbitrary nor capricious:

1. The relationship between the sabbatical's cost to the University and its potential contribution to advancing the mission of the University.
2. The quality of the proposal and its likelihood of completion.
3. The strength of the recommendation of the applicant's Chair and Dean.
4. Whether the applicant was denied a sabbatical in the previous year for lack of funding.
5. The number of sabbaticals previously awarded to the applicant.
6. The time since the eligibility to take a sabbatical per Sections 7.3.1., 7.3.2., and 7.3.3. Applications made under a reduced-time provision in a letter of appointment shall be considered as if the applicant had performed (6) six years of continuous service for the University.
7. The results of previous sabbaticals, course release times, and other University funded support for research profession development.

7.5. The application and approval process.

7.5.1. The application process begins no later than November 1 when the applicant provides the appropriate Chair, the appropriate Dean, the Provost, and, in the case where there is University funding, the Chair of the Senate Faculty Personnel Committee, information relevant to Sections 7.3. and 7.4. In the case where a Chair is applying for a sabbatical the Dean shall appoint a tenured faculty member knowledgeable in the discipline to serve in the role as Chair for the purpose of evaluating the application. The information required is as follows:

1. A full description of the sabbatical proposal, and any supporting documentation consistent with the purpose of the sabbatical. Such supporting documentation should include preliminary work completed on the paper, or project and a description of how the project contributes to the applicant's discipline and/or enhances the faculty member's teaching.
2. A statement indicating the number of years the faculty member has been a full-time member of the University's faculty and has been eligible for sabbatical leave.
3. The date or dates of previous sabbatical leave or leaves.
4. Whether the applicant was denied a sabbatical in the previous year for lack of funding.
5. The results of previous sabbaticals, course release times, and other University funded support for research and professional development.

7.5.2. The Chair will review the application, approve or disapprove of it, and forward this decision to the Dean along with comments on:

1. The feasibility of making provisions for coverage of teaching responsibilities while the faculty member is absent in terms of ongoing personnel and financing.
2. The sabbatical proposal in terms of the relationship between the sabbatical's cost to the college and its potential contribution to advancing the mission of the college, the quality of the proposal, and its likelihood of completion.

7.5.3. The Dean shall review the application and the Chair's decision and comments, approve or disapprove of the sabbatical and forward this decision to the Provost and the Chair of the Faculty Personnel Committee along with comments on the relationship between the sabbatical's cost to the college and its potential contribution to advancing the mission of the college, the quality of the proposal, and its likelihood of completion.

7.5.4. The Personnel Committee will review all applications, determine whether the conditions of Sections 7.3., 7.5.1., 7.5.2., and 7.5.3. are satisfied, indicate applications that are deficient, rank those that are not deficient according to the provisions of Section 7.4. and provide the Provost with its rankings no later than December 10. Unranked sabbaticals will not be submitted to the Provost.

7.5.5. The Provost will review the material from the applicant, the applicant's Chair, the applicant's Dean, the Personnel Committee and make a recommendation to the President.

7.5.6. The President will make the final determination of which proposals are approved, and inform the Provost.

7.5.7. The Provost will inform the applicant of whether the application has been approved or rejected no later than December 20 of the academic year prior to the year for which the sabbatical was requested.

7.6. At the request of the faculty member whose application was rejected, the Chair, Dean or Chair of the Personnel Committee will meet with the applicant to provide suggestions on how to improve the proposal for resubmission in another year.

7.7. The recipient of a sabbatical will submit a report on the results of the sabbatical to the appropriate Dean by the end of the semester following its completion.

Section 8 Unpaid Leave of Absence

8.1. A leave of absence is permission granted to a faculty member for a specific period of time during which he or she may be legitimately absent from the University while continuing to be regarded as a faculty member.

8.2. This period of time will not be less than one (1) semester and will not normally exceed one (1) academic year. Such leave will not ordinarily be granted until the faculty member will have served six (6) years at the University.

8.3. It is understood that at the end of the leave of absence the faculty member shall return to the University at no less than the rank and salary at the time of leaving and resume responsibilities in his or her area of competence as determined by the Provost in consultation with the Dean of the College in which the faculty member teaches. It is understood that the individual will return to the University for at least one (1) academic year immediately following the year in which the leave is taken regardless of other opportunities which arise during leave, unless relieved of this responsibility by mutual agreement of the University and the individual.

8.4. Continuance of Benefits while on Leave of Absence:

8.4.1. All items normally withheld from the salary to which the faculty member alone contributes may be continued if the faculty member elects to pay the required amount.

8.4.2. All benefits to which the University contributes in full or in part, and the faculty member part or none, may be continued by the faculty member paying the full amount, including that normally contributed by the University.

8.4.3. Faculty members who receive free tuition for a dependent son, daughter, or spouse will continue to receive this benefit.

8.5. All faculty on leave of absence will be governed by the policies as set forth in this Faculty Handbook, with the exception that time while on leave of absence shall not count as earned time for tenured appointment, sabbatical leave, or promotion, but neither will it constitute an interruption of continuous service.

8.6. The Family and Medical Leave Act of 1993 provides employees with rights to unpaid leave for birth/adoption and to care for immediate family members with serious health problems. The University complies with all provisions of the Act. For additional details, contact the Office of Human Resources.

Section 9 Professor Emeritus

9.1. Upon the recommendation of the appropriate department or Peer Review Committee to the Personnel Committee of the Faculty Senate and then to the Provost, Professor Emeritus status may be awarded to a retired or retiring Associate Professor or Full Professor who has served in a full-time capacity as a faculty member at Western New England University for a minimum of thirteen (13) years or, in exceptional cases, who has received a three-fourths (3/4) vote of approval of the Faculty Senate. The President will confer the award. Among the privileges afforded by this status is the right to claim, upon request, affiliation with Western New England University and to use the campus mailing address and e-mail address.

Section 10 Department Chairs

10.1. Appointment

10.1.1. Department Chairs are normally tenured members of the teaching faculty appointed by the President, after consultation with the Provost and the Dean of the college. (In an emergency situation when no tenured faculty member is available to serve, a non-tenured faculty member may serve for one (1) year in a “caretaker” capacity, wherein he/she may not engage in any evaluation of faculty.) The Dean’s nomination shall be made in consultation with the Department. The Department shall recommend selection of a Chair through a democratically conducted election. The appointment is subject to review at the discretion of the President.

10.1.2. A Chair is appointed for the academic year and one (1) month in the following summer. The normal term of appointment is three (3) years. Chairs may be renominated, recommended, and reappointed by the President for additional terms of service.

10.1.3. Department Chairs receive academic load reductions of two (2) to four (4) courses per academic year at the discretion of the Dean. Department Chairs are compensated for their administrative service with annual stipends equal to one-ninth (1/9) of their base faculty salaries. Chairs may not teach courses in overload at Western New England University or elsewhere.

10.1.4. Department Chairs report directly to the respective Dean and are expected to provide departmental leadership and direction in accord with University policy. Specific responsibilities of Department Chairs vary from college to college and from department to department and are spelled out in the letter of appointment. The principal role of Department Chair is the maintenance of effective and high quality academic programs approved by the Board of Trustees.

DETAILED RESPONSIBILITIES

10.2. The Department Chair:

10.2.1. Advises Dean as to staffing and other resource needs that are required for the effective delivery of the academic programs of the Department.

10.2.2. Oversees the work of the faculty of the Department (full-time, part-time, on-campus, and summer college) in courses, programs, majors, and the overall curriculum.

10.2.3. In conjunction with the Dean’s Office, schedules classes during Fall, Spring, and Summer semesters both on-campus and off-campus, day and evening, and assigns instructional duties so as to provide maximum strength in the curriculum.

10.2.4. Evaluates Departmental personnel. Writes formative and/or summative evaluations and rates the performance of each full-time faculty member of the Department except for Professional Educators in the Department who have another immediate supervisor. Evaluations highlight faculty members strengths and areas that need improvement in accordance with the Criteria for Evaluation in Appendix 1 of this Faculty Handbook.

10.2.5. Assists the Dean in preparing and administering the budget (including preparation of grant proposals), and in allocating resources in the most effective way.

10.2.6. Conducts Departmental meetings on at least a monthly basis at which matters of concern to the Department and its members are democratically discussed.

10.2.7. Represents the Department to other units of the University, promotes the Department to prospective students, and coordinates faculty involvement in admission processes including active recruitment, telerecruiting, open houses, and career days.

10.2.8. Acts as a hearing body for students accused of violation of academic integrity, and for student complaints about courses or faculty.

10.2.9. Strives to improve the teaching performance, governance/University service/advising, and professional development and scholarship of faculty in the Department.

10.2.10. Sets annual Departmental goals and objectives, including curricular and program development. Reviews and updates the Catalogue regularly.

10.2.11. Ensures that the programs of the Department meet the professional accreditation standards. Prepares documents to meet these objectives.

10.2.12. Works with other Colleges and Departments in the University with respect to staffing and scheduling. Coordinates academic offerings across the University.

10.2.13. When filling positions, will consider available, qualified full-time faculty within the University but outside the Department or discipline before using adjuncts or asking for new faculty.

10.2.14. Meets with Dean, Assistant Dean, Associate Dean, and other Department Chairs on at least a bimonthly basis to discuss significant College and University matters.

10.2.15. Provides mentoring of junior faculty so as to offer the support and guidance necessary for their success in all performance areas.

10.2.16. Maintains proper balance between service, elective, and general education courses and those in the Departmental programs and majors.

10.2.17. Places the appropriate faculty in the lower-division offerings.

10.2.18. Provides the faculty with guidance and support in meeting the performance criteria of the annual review.

Section 11 Discrimination/Sexual Harassment Grievance Procedures

11.1. Massachusetts Law and Federal Statutes establish definitions for discrimination/sexual harassment. The University has adopted Discrimination/Sexual Harassment Grievance Procedures that are consistent with these laws and statutes. Below are summarized the procedures in place for the filing and resolution of discrimination/sexual harassment complaints.

Informal Resolution

11.2. Many claims of discrimination/sexual harassment may be resolved informally. In the informal process, input will be important, yet direct confrontation with the alleged harasser may not be required. The goal of an informal resolution is to end the offensive or unwelcome behavior. The Dean of the respective College (if the Respondent is a faculty member), the Assistant Vice President and Director of Human Resources (if the Respondent is classified staff or administration), and the Dean of Students or the Assistant Dean for Law Student Affairs (if the Respondent is a student) can work with the Complainant and the Respondent to reach an informal resolution.

11.2.1. Examples of informally reached outcomes might include:

- a) Mediated, informal conversation between the Complainant and Respondent;
- b) Conducting educational programs for a unit, division or department; or
- c) Adjusting residential or academic placement of either the Complainant or Respondent.

11.2.2. Resorting to formal hearings will be avoided whenever possible. The purpose of informal adjudication is to arrange an appropriate solution acceptable to all parties concerned. At the conclusion of the informal process, the only document that will be maintained is a memorandum of understanding, signed by both parties, and maintained in the Equal Employment Opportunity (EEO) office.

11.2.3. Informal proceedings must be exhausted before formal proceedings will proceed. In the event that the informal process does not achieve resolution of the issue, the Equal Employment Opportunity (EEO) officer will prepare a memorandum signed by the parties BEFORE the formal process will be available.

Formal Resolution

11.3. If informal efforts to resolve a problem are not successful, or if informal resolution is inappropriate or inadequate based on the severity of a case, or if the Respondent is a known prior offender, then a more formal resolution may be necessary. Formal written complaints must be filed with the Equal Employment Opportunity (EEO) Officer. The matter will then be referred to the University's Discrimination/Sexual Harassment Hearing Committee by the Equal Employment Opportunity (EEO) Officer.

11.3.1. The Equal Employment Opportunity (EEO) Officer will monitor the implementation of these formal grievance procedures, and either party may request a formal hearing.

11.3.2. The Equal Employment Opportunity (EEO) Officer will intervene in the formal process when in his/her judgment such intervention is necessary for expediency. The EEO Officer will schedule all committee meetings, oversee the process and procedures, and attend hearings, if necessary, as a non-participating, non-voting member. The EEO Officer will NOT contribute to the writing of the Hearing Committee's findings.

Procedures for formal hearings by the Discrimination/Sexual Harassment Hearing Committee

Composition of the Discrimination/Sexual Harassment Hearing Committee

11.4. The Discrimination/Sexual Harassment Hearing Committee will consist of six (6) members of the Western New England University community appointed by the President to serve two (2) year terms. Members can serve no more than two (2) consecutive two (2) year terms. The Committee will be comprised of two (2) tenured faculty members referred to the President by the Faculty Senate and the Law School, two (2) classified staff, and two (2) administrators, all from different departments. Replacement of faculty representatives on the Committee (if it became necessary) would be made either by the Senate or the Law School as appropriate. The President will designate a chair of the Committee, based on such considerations as experience, continuity, and sensitivity to the concerns of those affected by discrimination/sexual harassment. At any given time, there should be no more than five (5) persons of the same gender on the Committee. Two (2) additional members who are students will sit on the Committee when a complaint directly involves a student. For complaints involving graduate students or law school students, at least one (1) of the two (2) student members on the Committee will be a graduate student or a law school student, as appropriate to the case.

Initiation of the Hearing Procedure

11.5. A copy of the complaint will be mailed by the Chair of the Discrimination/Sexual Harassment Hearing Committee to the Respondent, who will be afforded ten (10) calendar days from the mailing date to prepare a written response regarding the incident. Upon receipt of the Respondent's response, the Committee Chair will mail to each party a copy of the complaint and response.

11.5.1. At that time, both parties will be presented a list of the members of the Committee and may challenge any member's eligibility for cause in writing to the Chair, within two (2) working days of the presentation of the list. Any

such challenge will be ruled upon by the Equal Employment Opportunity (EEO) Officer. Any Committee member with previous knowledge of the incident will present that information for the Committee, which will decide if that member should be disqualified from hearing the case. If the Chair is released by challenge or disqualification, the Committee will elect a Chair *pro tempore*. If, by challenge, disqualification, or unavailability, fewer than six (6) members of the Committee remain eligible, others will be appointed by the President *pro tempore*.

11.5.2. No hearing will be held without the parties being given at least seven (7) calendar days notice. Each party may be accompanied during each session by one (1) advisor from the Western New England University community. The advisor will not participate in the session, but may consult freely with the person whom they are advising. The advisor may be an attorney. The Complainant and Respondent may each request witnesses and present documentary evidence. Witnesses will be present at the hearing only when giving testimony. Each party may bring any number of witnesses; however, the actual number of witnesses heard will be at the discretion of the Committee. The Committee may refuse to accept or hear any evidence that it deems irrelevant or unreliable. Rules of evidence used in courts of law are not used in this process.

Conduct of Formal Hearings

11.6. The formal hearing will be tape recorded for the Committee's use in its deliberations. The tape will not be transcribed, but will be stored securely and confidentially by the University General Counsel. Upon written request, a copy of the tape will be made available to either party of this proceeding. The Committee alone may question witnesses and parties. In the course of the hearing, each party may submit in writing, questions to be asked by the Committee. However, the Committee reserves its right to decline to pursue any such questions. The Respondent has the right to refuse to testify.

Hearing Record

11.7. Within ten (10) calendar days of the hearing, the Committee must prepare a written report that details the allegations, the hearing process, and the evidence heard. The Committee shall include in this report its findings of fact, including any findings it makes concerning the credibility of witnesses. All findings by the Committee shall be based on a majority vote of the panel. All Committee members must sign the written report.

Findings of the Committee

11.8. After a hearing, the Committee may find one (1) of the following:

- a) that it is more likely than not that the alleged violation occurred; or
- b) that it is more likely than not that the alleged violation did not occur.

Referral for Action

11.9. The Committee will issue a written report to the relevant Dean or supervisor, who after review of said report, will distribute a copy of the report to the Complainant and Respondent. The relevant Dean, after consultation with the Assistant Vice President and Director of Human Resources, will determine and impose sanctions in writing to the Respondent and the Equal Employment Opportunity (EEO) Officer within fifteen (15) calendar days of the Dean's receipt of the Committee's report. Appropriate disciplinary action will be taken by the Respondent's supervisor for staff, Deans of the respective College for faculty or for graduate students, the Dean of Students for undergraduate students, or the Dean of the Law School for law students.

Sanctions

11.10. Sanctions imposed on the Respondent will be commensurate with the seriousness of the conduct, and will be adequate and sufficient to demonstrate the University's commitment to taking strong and effective measures to both remedy and prevent further violations. The assessment of the severity of the sanction will be based on both the current case and the Respondent's previous record of misconduct. Any sanctions imposed on tenured faculty will be pursuant to the procedures delineated in the appropriate Faculty Handbook. Sanctions might include, but are not limited to:

- a) a written apology;
- b) transfer or change in department or teaching assignment;

- c) warning, meaning a written statement that the Respondent violated this policy, a notation of which would be placed in the Respondent's permanent record;
- d) a referral for counseling and/or training (failure to fulfill the sanctions shall be cause for sanctions of a more serious nature);
- e) probation for a stated period of time within which the Respondent's rights to participate in University-sponsored activities and/or access to facilities may be limited or removed;
- f) suspension (with or without pay), meaning a separation from the University for a stated period of time or until specific conditions are met; dismissal, meaning permanent removal from employment or University programs, facilities, and property.

11.10.1. The relevant member of the President's Staff will review any sanction recommending termination from employment at the University. If a member of the President's Senior Staff is the Respondent, the President will review any sanction recommending termination from employment at the University.

Summary Suspension

11.11. The University reserves the right to take necessary and appropriate action to protect the educational environment, and the safety and well being of members of the University community. In the event that any individual charged with violation of the University's Discrimination/Sexual Harassment Policy is deemed a serious risk to the safety and security of the University and/or its campus community, its faculty, students, or staff, the University reserves the right to summarily suspend that individual. The University reserves its right to suspend that individual with or without pay and benefits (tenured faculty can only be suspended with pay and benefits) and exclude that individual from campus, except as is necessary to participate in the formal hearing process delineated above.

11.11.1. Nothing in this policy shall limit the authority of the University, or any of its constituent parts, to take such actions as the appropriate University officer or Dean or his/her designee deems necessary to protect the physical safety of members of the University community, or to maintain conditions compatible with the educational process or institutional integrity of the University or any of its constituent parts.

Appeals

11.12. **Notice of an appeal:** Respondents may appeal by filing written notice with the University official who issued the disciplinary sanctions within fourteen (14) calendar days from the day a sanction is imposed, with a copy to the Equal Employment Opportunity (EEO) Office. Respondents seeking an appeal must specify in writing the grounds for the request. *Respondents who fail to file an appropriate written request for an appeal within fourteen (14) days waive their rights to appeal.*

11.12.1. **Grounds for appeal:** Appeals will be considered only under one (1) or more of the following circumstances:

- a) when the Respondent deems the sanction inconsistent with the gravity of the offense, except in the case of termination of employment where review is automatic, as provided in Section 6(B).2. of the *Western New England University Faculty Handbook*;
- b) when new evidence that was not available at the time of the hearing becomes available within the above referenced fourteen (14) calendar day period; or
- c) when there has been a substantial and material procedural error during the hearing process.

11.13. **Reviewer:** The relevant member of the President's Staff will review appeals.

11.14. **Possible Results:** The relevant member of the President's Staff will review the request for an appeal and any evidence necessary to support that request. He/she shall then have the authority to:

- a) affirm;
- b) reverse;
- c) modify the sanction imposed; or

- d) remand the matter for further investigation or consideration by the Discrimination/Sexual Harassment Hearing Committee (only available in cases where there is new evidence or where there has been substantial and material procedural error).

11.14.1. Decisions of the relevant member of the President's Staff are final.

11.14.2. In the event that the Respondent is a member of the President's Senior Staff, the President will review appeals and the process is as set forth in 11.12. above.

11.14.3. **Appeals for tenured faculty only:** Should any tenured faculty member at the University desire to pursue an appeal of any actions imposed on him/her through these procedures, the affected faculty member will avail himself/herself of procedures delineated in the appropriate Faculty Handbook (for tenured faculty, refer to Section 6.(B).5. in the *Western New England University Faculty Handbook*).

Substitutions

11.15. In the event that the Respondent is a Dean, Equal Employment Opportunity Officer, or a member of the President's Staff, the President will designate an appropriate substitute who will assume the responsibilities outlined in this policy. In the event that the Respondent is the President, the Chairman of the Board of Trustees will receive the report of the Committee and determine, with the Board of Trustees, any sanctions to be imposed in accordance with the By-laws of Western New England University. The decision of the Board of Trustees shall be final.

Confidentiality

11.16. Throughout all investigations and hearings of complaints arising from discrimination/sexual harassment, both formal and informal, the confidentiality of the proceedings and the identities of the parties to the complaint shall be protected to the fullest extent practicable under the facts and circumstances of each case.

Section 12 Grievance Procedure for Faculty

12.1. PURPOSE OF GRIEVANCE PROCEDURE

12.1.1. The purpose of the faculty grievance procedure is to resolve disputes that arise within the faculty of the University. The faculty includes, for the purposes of this procedure, the full-time teaching faculty, the Academic Deans, and the Provost.

12.1.1.1. Note: Grievances against non-faculty, i.e., administrative and classified staff are processed in accordance with policy in the Office of Human Resources.

12.2. This procedure covers all grievances except when:

12.2.1. The grievance involves an alleged violation of equal opportunity, discrimination, or sexual harassment. A separate procedure for these grievances is administered by the EEO officer, the Assistant Vice President and Director of Human Resources.

12.2.2. The grievance involves the dismissal of a tenured faculty member and/or a non-tenured faculty member during a contract year.

12.2.3. The grievance arises during an appointment process before the grievant is formally an employee of the University.

12.2.4. The grievance is related to the non-renewal of probationary period tenure-track faculty members since this is covered by a separate procedure.

12.2.5. Evaluations arising from the annual performance review process are grievable only if documentation is provided giving demonstrable evidence of:

12.2.5.a. Error(s) of fact, which are shown to have been the cause(s) of a negative evaluation of the faculty member's performance.

12.2.5.b. Violation(s) in the use of the evaluation criteria, which are shown to have been the cause(s) of a negative evaluation of the faculty member's performance.

12.2.5.c. Instance(s) or pattern(s) of treatment of the faculty member by the evaluator (not otherwise grievable) which the faculty member can show has seriously compromised the objective judgment of the evaluator.

12.3. DEFINITION A grievance is defined as an alleged violation by the University and/or its agents of University policy, rules, or contract rights of the employees.

12.4. ELIGIBILITY TO FILE A GRIEVANCE

12.4.1. A grievance may be filed by any full-time teaching faculty member who is under contract to the University at the time of the filing of the grievance.

12.5. PROCESSING A GRIEVANCE

12.5.1. INITIAL PROCEDURE

12.5.1.1. The grievant shall first put the grievance in writing within thirty (30) days of its occurrence using a Standardized Grievance Form and then attempt in good faith to resolve the grievance with his/her Department Chair, or if the subject of the grievance is either the Chair, a Peer Review Committee, an Assistant Dean, or an Associate Dean, with the appropriate Dean. If the subject of the grievance is the Dean, the grievance shall be filed with the Provost. Administrators processing the grievance shall have sixty (60) days from the time the complaint is filed to resolve the grievance informally, unless an extension is agreed upon by both parties. The completed Standardized Grievance Form shall be date-stamped upon submission to the Department Chair or Dean.

12.5.1.2. If the respondent is the Provost then administration of the grievance process shall go to the Assistant Vice President and Director of Human Resources who shall report directly to the President. If the respondent is the President then administration of the grievance process shall go to the Assistant Vice President and Director of Human Resources who shall report directly to the Chairperson of the Board of Trustees of the University.

12.5.2. STAGE TWO PROCEDURE

12.5.2.1. If the grievance cannot be resolved informally within ninety (90) days from the submission of the grievance, the grievant may, within five (5) working days from the end of the ninety (90) day period, file a Stage Two written complaint using the same Standardized Grievance Form unless an extension is agreed upon by both grievant and respondent. The formal grievance shall be filed with and acted upon by the Provost, unless the grievance is against the Provost, in which case the Assistant Vice President and Director of Human Resources will seek to resolve the grievance.

12.5.2.2. Within fifteen (15) working days of receipt of the grievance, the Provost shall evaluate the grievance and respond in writing. If the grievant is not satisfied with the Provost response, he/she may, within five (5) working days of receipt of the response request a formal hearing by a grievance committee. The Provost will form the committee to review the case and issue a written recommendation for resolution of the grievance. If the complaint is against the Provost, the Assistant Vice President and Director of Human Resources shall evaluate the grievance and, if required, form the grievance committee.

12.5.2.3. The committee shall be formed within five (5) working days of receipt of the request by the Provost. The committee shall be composed of three (3) full-time teaching faculty of Western New England

University to be chosen as follows:

1. One (1) member chosen by the grievant;
2. One (1) member chosen by the respondent;
3. One (1) member chosen by the other two (2) members, who will be Chair with vote.

12.5.2.4. The committee shall evaluate the grievance and may conduct its own investigation, speak with witnesses, examine documents, and take testimony. It may conduct a formal hearing in which a broad range of testimony and evidence may be heard or submitted. The procedure is non-judicial and not bound by formal rules of evidence. At any formal hearing, either the grievant or the respondent may be advised by counsel (any member of the University community or an attorney at the discretion of the grievant or the respondent). The counsel may not participate in the procedures, but may advise the grievant or the respondent during the course of the hearing. The committee will complete a written report, including a recommendation for any remedial action, if appropriate. The report shall be made within thirty (30) days of the formation of the committee unless all members of the committee agree to an extension of time.

12.5.2.5. The written report of the committee shall be forwarded to the Provost (or the Assistant Vice President and Director of Human Resources if appropriate), grievant, and the respondent. The Provost (or the Assistant Vice President and Director of Human Resources if appropriate) shall, within thirty (30) days of the receipt of the report, review the report, including any recommendation, and render a decision in writing. Copies of the decision shall be mailed to each of the parties.

12.6. APPEAL OF THE DECISION TO THE PRESIDENT

12.6.1. An appeal of the decision may be made to the President within five (5) working days of the decision of the Provost or Assistant Vice President and Director of Human Resources if the grievant alleges that:

12.6.1.1. The remedy is inappropriate or inequitable.

12.6.1.2. The grievance procedure was violated.

12.6.1.3. New evidence was discovered. Such evidence must be provided within twenty (20) working days of receipt of the written decision of the Provost or Assistant Vice President and Director of Human Resources.

12.6.2. The Presidents report will be issued within thirty (30) days of the first appeal. The decision of the President is final.

12.6.3. The grievant agrees that by filing a formal grievance, no legal remedies shall be sought until all the procedures made available within the University, as outlined above have been exhausted. The grievant may pursue legal remedies after internal processes are exhausted or if internal processes are not complete within thirty (30) days of the expiration of the relevant statute of limitations of laws of the Commonwealth of Massachusetts or the United States Government.

Section 13 Legal Remedies

13.1. Nothing in this Faculty Handbook shall be deemed to waive any statutory or non-statutory remedies of the parties.

C. PERSONNEL POLICIES: OPERATIONAL

C.1. For details concerning any of the following personnel policies, consult with the Assistant Vice President and Director of Human Resources

Section 1 New Appointees

1.1. You are required to report to the Office of Human Resources within twenty-four (24) hours of beginning service to

complete Part I of the Form 1-9 and to provide within seventy-two (72) hours of beginning service the necessary documentation required by the Federal Immigration Reform and Control Act of 1986 establishing your right to work. In compliance with Massachusetts's law, each faculty member must submit evidence of freedom from tuberculosis.

1.2. New faculty members are required to submit to the Provost's Office official transcripts of all undergraduate and graduate study. Faculty members earning a new degree while teaching at the University are also required to submit a complete official transcript of the work taken toward the new degree. These transcripts become a part of each faculty member's permanent record retained by the University. Salary adjustments based on acquisition of a new degree will not be granted until the official transcript is in the possession of the Provost's Office.

Section 2 Salaries

2.1. Faculty members are ordinarily paid bi-weekly, twelve (12) months a year. Federal and State income tax will be withheld from salaries on the basis of exemption certificates filed with the Payroll Office. All are required to participate in the Federal Social Security Program.

Section 3 Retirement Plan

3.1. The University offers a retirement plan based on section 403(b) of the Internal Revenue Code, which allows employees of not-for-profit organizations to save for retirement on a tax-deferred basis. All employees may enroll and make pre-tax contributions into the Western New England University 403(b) Defined Contribution Plan upon hire.

The University will make contributions to the retirement plan for those employees who have been employed by the University for one year and who have worked at least 1,000 hours during that time. Employees who do not meet the eligibility criteria will not receive contributions from the University, but may still contribute their own funds into the Plan. Eligible employees will only receive University contributions when all eligibility criteria are met and enrollment forms completed.

As a condition of employment, eligible employees hired after July 1, 2008, after attaining age twenty-five and completing one year of service (which includes 1,000 hours worked) are **required** to make a mandatory contribution to the plan of 3% of compensation.

TIAA-CREF is the record keeper of the Western New England University 403(b) Defined Contribution Plan. If an eligible employee does not make an election as to how they choose to invest by returning the required election form, the University reserves the right to enroll the employee into the Plan in a qualified default investment alternative ("QDIA").

Additionally, the University provides access to a Group Supplemental Retirement Annuity through TIAA-CREF. Group Supplemental Retirement Annuities (GSRAs) are tax-advantaged investments that are funded with voluntary, pre-tax dollars through a salary-reduction agreement.

Currently, qualified participants as described above may receive two types of contributions from the University into their retirement account, a 4% basic contribution and a matching contribution of up to 5%. Beginning January 1, 2014 the 4% basic contribution is considered an IRS defined Safe Harbor contribution. Additional detailed information, enrollment applications, and copies of the University's the [Western New England University 403\(b\) Defined Contribution Plan](#) resolution may be obtained at the Office of Human Resources.

The normal retirement age under the Retirement Plan is age 65. This provision notwithstanding, the University will continue its contributions to the Retirement Plans of participating employees so long as they are employed by the University.

Section 4 Insurance Programs

4.1. Short-Term Disability Compensation Plan

A Short-term Disability Compensation Plan is provided for all full-time Western New England University employees. Full-time non-exempt employees, regularly working at least 35.67 hours each week, must be employed for at least six months prior to the onset of the disability in order to be eligible for short-term disability compensation under this Plan. For the purposes of this program, an employee is considered disabled if, solely because of injury or sickness, he or she is unable to perform the

material duties of his or her regular Job; and unable to earn 80% or more of his or her Covered Earnings from working in his or her regular Job due to illness or injury.

In order to qualify for benefits under this Plan, an employee must make application for benefits and provide adequate medical documentation that a condition of disability exists. The University reserves the right to seek an independent medical evaluation (at the University's expense) regarding any claimed disability and may require updated medical documentation during the course of a disability. A medically related leave anticipated to last longer than 10 working days will be covered under the Short Term Disability Plan. Short Term Disability compensation will begin on the first day of disability for exempt employees. The Maximum Benefit Period under the short term disability compensation plan is 13 weeks. If the illness or injury is anticipated to extend beyond the 13th week, when Short Term Disability ceases, an application may be made for Long Term Disability benefits under the University's Group Long Term Disability plan. In order to return to work following a period of disability, an employee must provide medical documentation that he/she is capable of resuming his/her regular duties and responsibilities.

No vacation time is accrued by an employee during a period of disability absence. If the period of absence is in effect during any wage increase that the employee may be entitled to, the wage increase will take effect upon return to active service.

Additional information about this benefit may be obtained by calling the Office of Human Resources, or referring to the [Employee Short Term Disability Benefit Plan](#).

4.2. Group Long-Term Disability Income Insurance

Group Long Term Disability Income coverage is designed to protect full-time employees, regularly scheduled over 35.67 hours per week, from loss of income in the event of a prolonged disability. An employee becomes eligible for enrollment in Group Long-term Disability Insurance on the first of the month following six months of continuous full-time employment.

This Long Term Disability insurance provides a monthly income benefit equal to 60% of an employee's base pay in the event of total disability, and also includes provisions for the payment of benefits in the event of a qualifying partial disability. The Maximum Disability Benefit is \$7,000 per month. The Minimum Disability Benefit is the greater of \$100 or 10% of the employee's monthly benefit prior to any Income offsets. Benefits under this plan will be offset by other income benefits received. In addition to the monthly cash benefit, the plan provides a Retirement Plan contribution waiver that will contribute to the retirement plan of a participating employee an amount equal to 10% of the employee's base annual pay for an employee receiving total disability benefits, as well as a limited survivor benefit if an employee who dies while receiving total disability benefits. The cost of Group Total Disability Income Insurance will be paid by the University. Additional information about this benefit may be obtained by calling the Office of Human Resources, or referring to the [Group Long Term Disability Insurance Certificate](#).

No vacation time is accrued by an employee during a period of disability absence. If the period of absence is in effect during any wage increase that the employee may be entitled to, the wage increase will take effect upon return to active service.

In order to meet the staffing needs of the institution, the University reserves the right to permanently fill any or all positions that are vacant due to the incumbent being on long-term disability. Termination under these circumstances will not affect the individual's right to continue to receive benefits under the long-term disability plan.

Additionally, if the termination is due to a long term disability where the employee is medically unable to work, the University will pay its regular share toward the employee's COBRA health insurance premium for up to eighteen months, or when the employee gains other coverage such as Medicare.

Should the health of the individual improve and allow her/him to begin working, she/he will be entitled to apply for any vacant position at the University for which she/he is qualified.

4.3. Group Health Insurance

4.3.1. Notice of Privacy Practices For Group Health Plan

4.3.1.1. This notice describes how medical information about you may be used and disclosed, and how you can get access to this information. For additional information regarding compliance information go to: <http://www1.wnec.edu/humanresources/index.cfm?selection=doc.2023>.

4.3.1.2. All full-time faculty members, including employees regularly scheduled to work at least 30 hours per week over the upcoming 12 months for health insurance purposes under the Affordable Care Act, are eligible to participate in the Western New England University Employee Health Plans, which are carried with Blue Cross Blue Shield of Massachusetts. The program is made up of a traditional indemnity major medical and hospitalization plan subject to deductibles and co-insurance, and a Preferred Provider Organization of doctors and medical service providers which may be utilized without the payment of deductibles and co-insurance. There is also a Health Maintenance Organization (HMO) option. The University contributes seventy-five per cent (75%) of the assessed premium rate of the plans for either individual or family coverage options with the faculty member paying twenty-five per cent (25%) of the cost through a payroll deduction.

New full-time faculty members may enroll in one of the Western New England University Employee Health Plans as of the date of hire. Continuing faculty members may join a plan at any time only if coverage under another health insurance plan is lost. Faculty members who have voluntarily left the plan may rejoin only during the open enrollment period scheduled once a year in advance of the plan's January 1st anniversary date. Detailed information about the current PPO and HMO Plans may be obtained via the Office of Human Resources website. Premium rates for the Plans are published annually and are distributed to all employees in advance of the open enrollment period. Click to download information on the [PPO PLAN](#) or the [HMO PLAN](#). To find a participating health care provider go to: http://www.bluecrossma.com/common/en_US/findADoctorIndex.jsp.

4.4. Dental Insurance

4.4.1. Full-time faculty members are eligible to participate in a voluntary plan. Faculty members pay the full cost of premium through payroll deduction. For additional detailed information about the Delta Dental Preferred Voluntary Plan, please visit our Human Resource website regarding the [dental plan](#) and to find a list of participating dentists to go to: http://www.deltamass.com/find_a_dentist/search.asp.

4.5. Group Life Insurance

4.5.1. After three (3) months of continuous employment the University will provide each regular full-time faculty member with a life insurance policy for an amount equal to two (2) times the faculty member's annual salary with a maximum of \$300,000. The policy also provides additional benefits for accidental death or dismemberment. The full premium for Group Life Insurance is paid by the University. In the event that the basic benefit would exceed \$50,000.00, the cost of providing insurance in excess of \$50,000.00 is taxable to the employee according to the schedule established by the IRS. Faculty members wishing to do so may waive Life Insurance benefits in excess of \$50,000.00. A faculty member retiring after twenty (20) years or more of continuous full-time employment and who is insured under the group policy immediately preceding retirement, will be provided with a \$10,000.00 Life Insurance policy paid for by the University. Detailed information about this Plan and the waiver provision may be obtained from the Office of Human Resources.

4.6. Liability Insurance

4.6.1. The University bears the entire cost of liability insurance on all personnel. Faculty members who are acting within the scope of their employment have liability coverage for incidents which may arise from their employment practices.

4.7. Travel Accident Insurance

4.7.1. All full-time faculty members are currently covered by a travel accident insurance policy which is paid entirely by the University. The terms of this policy will provide a benefit of six (6) times the annual salary of any faculty member who suffers loss of life from an accident while traveling on University business. Coverage begins with departure from the place of business or residence and continues on a full twenty-four (24)-hour a day basis until return to the place of business or residence, whichever occurs first. Commuting to and from work is excluded. Coverage is further subject to the terms and conditions of the University's insurance contract. The University will not reimburse the traveler for purchasing additional personal accident insurance. The traveler should purchase collision damage waiver insurance when renting an automobile and will be reimbursed for that expense as long as the vehicle is being used for official business. Liability waiver insurance should not be purchased when renting an automobile to be used for official University business.

4.8. Worker's Compensation Insurance

4.8.1. All faculty are covered by Workers' Compensation Insurance. Everything possible is done to provide safe conditions for University faculty, but the prevention of accidents is largely a matter of individual care and planning. All faculty are required to follow safety rules, procedures, and practices established by their supervisors and/or mandated by OSHA regulations. Should a faculty member see conditions that appear unsafe, he/she should report them immediately to a supervisor. If a faculty member has an accident while at work, he/she should report it immediately to a supervisor even though the injury may be slight.

Accidents must be reported to the Office of Human Resources either by the faculty member or his/her supervisor, within twenty-four (24) hours. All claims will be processed through the Office of Human Resources. Faculty being treated for work related injuries should not give medical care providers their personal medical insurance numbers.

If the period of absence is in effect on July 1, any wage increase that the faculty member may be entitled to will take effect upon return to active service.

4.9. Social Security Insurance

4.9.1. All faculty are covered by the Old Age Survivors' Insurance provisions of the Federal Social Security Act (FICA) and Medicare according to the rates and provisions set forth by the Social Security Administration. Click here to go to the Social Security Website: <http://www.ssa.gov/>.

4.10. Unemployment Compensation Insurance

4.10.1. Employment at Western New England University is covered under the Employment Security Laws which provide income should a faculty member become unemployed through no fault of his/her own. All faculty leaving the employ of the University are provided with information regarding their rights to unemployment compensation and about the process of applying for unemployment benefits as required by the Massachusetts Division of Employment and Training.

4.11. Voluntary Insurance Program

4.11.1. As a convenience to its employees, the University offers an opportunity for car and homeowners/tenants insurance to be purchased on a payroll-deduction basis. For more information, contact the Office of Human Resources.

Section 5 Sick Leave

5.1. Faculty members will be paid their regular compensation for absences caused by personal illness or injury. Prompt notification should be made to the appropriate Dean in the case of illness. When extended periods of sick leave are anticipated, full-time faculty must contact the Office of Human Resources in order to apply for Short-Term Disability benefits. The University will make every effort to have an individual's classes covered by fellow faculty members for the duration of the illness.

5.1.1. In connection with any faculty member's medical absence in excess of two (2) successive weeks during any academic semester, the University reserves the right to hire an individual or individuals on a temporary basis to carry out affected teaching responsibilities for the remainder of the relevant semester. Continuation of salary during this period is provided in accordance with the terms and conditions of the University's Short-Term Disability Compensation Plan (See 4.1.). Upon return from sick leave, the University requires a physician's certification that the faculty member is able to return to work. If the faculty member returns to work before the conclusion of a semester, he or she will be assigned other duties commensurate with his/her experience and position. Any arrangements for reduced work-load schedules must have the approval of the Provost.

Section 6 Parental Leave – Massachusetts – Non-FLMA

6.1. Upon advance request, employees who have completed their initial probationary period may be granted a parental leave in accordance with Massachusetts State Law for purposes of birth of a child, or adoption of a child under the age of 18 (or under the age of 23 if the child is mentally or physically disabled).

The following guidelines normally apply:

In most situations, you must give notice to the University at least two (2) weeks of your intention to take your leave of absence, and your intention to return to work. However, if the circumstances are unforeseeable and thus are beyond the employee's control, then notice can be provided as soon as practicable. A position within the University will be held for an individual for a period of eight (8) weeks.

In the event that both employees are seeking time off under this policy for the reasons set forth under this policy, then the two employees are entitled to an aggregate of eight (8) weeks of leave.

Requests for time off exceeding the guidelines set forth in this policy will be evaluated on a case by case basis. However, if time is granted in excess of the customary eight (8) weeks available under this policy, then there is no guarantee of job reinstatement. However, the University will inform the employee, in writing, prior to the commencement of the parental leave, and prior to any subsequent extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

This is an unpaid leave, but an employee may elect to use paid time that may be available so that some or all of the leave may be paid (to the degree that paid time is available).

Section 7 Family and Medical Leave Act (FMLA)

7.1. Basic Leave Entitlement

Family and Medical Leave Act (FMLA) requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- a) for incapacity due to pregnancy, prenatal medical care or child birth;
- b) to care for the employee's child after birth, or placement for adoption or foster care;
- c) to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- d) for a serious health condition that makes the employee unable to perform the employee's job.

7.2. Military Family Leave Entitlements

7.2.1. Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their twelve (12)-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

7.2.2. FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service-member during a single twelve (12)-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is other wise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*: or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five (5)-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

7.2.3. The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".

7.3. Benefits and Protections

7.3.1. During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

7.3.2. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

7.4. Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least twelve (12) months, have one thousand two hundred-fifty (1,250) hours of service in the previous twelve (12) months, and if at least fifty (50) employees are employed by the employer within seventy-five (75) miles.

7.5. Definition of Serious Health Condition

7.5.1. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

7.5.2. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

7.6. Use of Leave

An employee does not need to use this leave entitlement in one (1) block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

7.7. Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

7.8. Employee Responsibilities

7.8.1. Employees must provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

7.8.2. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

7.9. Employer Responsibilities

7.9.1. Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

7.9.2. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

7.10. Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- a) interfere with, restrain, or deny the exercise of any right provided under FMLA;
- b) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for Involvement in any proceeding under or relating to FMLA.

7.11. Enforcement

7.11.1. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

7.11.2. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Section 8 Employee Wellness Program

8.1. Employees and their families have free access to the University's state-of-the-art Alumni Healthful Living Center (AHLIC). The AHLIC has a basketball court, 8-lane swimming pool, indoor track, wrestling room, weight room, racquet courts, aerobics/dance studio, and a multipurpose field house. There is also an Employee Wellness Program with incentives for participation.

Section 9 Educational Benefits /Tuition Remission

9.1. Employee

9.1.1. Members of the full-time faculty may take credit courses at the University without payment of tuition or academic class fees upon completion of a three (3) month waiting period. In order to be eligible for tuition remission in a given semester, the waiting period must be completed by the last day to add a course without instructor's permission.

9.1.2. A retired faculty member who has served the University on a full-time basis for at least ten (10) years will be granted the privilege of attending the University with a remission of tuition for undergraduate studies.

9.1.3. Adjunct faculty who have completed at least five (5) years of service to the University will be eligible to take one (1) course without payment of tuition during a semester in which they are actively teaching. For adjunct faculty, a year of service is defined as any academic year in which the individual has taught. Years of service for this prerequisite do not have to be consecutive and prior years of service will be counted toward this prerequisite. The five (5) years of service must be completed on or before the last day to register for classes in any given semester in order for the employee to receive tuition remission benefit in that semester. Tuition remission for adjunct faculty is for the faculty member only and cannot be used for courses taken by an employee's spouse or dependents.

9.1.4. Procedures

9.1.4.1. Adjunct faculty must complete and return to the Office of Human Resources a Tuition Remission Form for each semester in which they wish to take a course under the Tuition Remission Benefit.

9.1.4.2. Tuition Remission Forms are available from the Office of Human Resources.

9.1.4.3. Tuition Remission Forms cannot be submitted for courses already completed.

9.2. Spouses and Dependents

9.2.1. Following the completion of a three (3) month waiting period, spouses, domestic partners, and children of full-time employees of the University may receive, if eligible to attend, remission of tuition sufficient to earn one (1) degree, either undergraduate or graduate, but for no more than the equivalent of four (4) years of full-time study, whichever occurs first. For the purposes of this benefit, a dependent child is any child born to an employee, legally adopted by an employee, a stepchild

whose primary residence is with the employee, or for whom legal guardianship can be documented. To be eligible for this benefit, however, a dependent child must enroll in a program of undergraduate study prior to his/her twenty-third (23rd) birthday, or graduate study prior to his/her twenty-fifth (25th) birthday. Graduate courses are not included/covered in tuition remission when a dependent is enrolled in and completing an undergraduate degree, unless the graduate courses are applied as credit to the completion of the undergraduate degree. The value of graduate tuition abatement is by law considered income and is subject to Federal Income and Social Security taxes. Tuition Remission Forms are available in the Office of Human Resources. A remission form for each person enrolled must be completed each fiscal year, which runs from July 1st through June 30th.

9.2.2. Remission of tuition will be extended to the spouse and dependent children of a full-time employee who has served the University on a full-time basis for at least five (5) years and who becomes disabled or dies while in active service so long as the child is a dependent of the employee at the time of death or disability. The dependent children of a retired employee who has served the University on a full-time basis for at least ten (10) years will be accorded the same privilege. To be eligible for this benefit, however, the child of a deceased, disabled, or retired employee must enroll in a program of undergraduate study prior to her/his 23rd birthday, or graduate study prior to her/his 25th birthday.

9.2.3. The University reserves the right to limit the number of employees and dependents in academic programs with enrollment limits while receiving tuition remission. Currently enrollment is limited to a total of two (2) employees and/or dependents at any given time in each of the following academic programs:

- Master of Arts in Communication (MACOM)
- Master of Education in Curriculum Instruction (MEDCI)

9.2.3.1. Because there is a limited number of tuition remission awards for these two (2) academic programs the following criteria will be used to determine who will receive tuition remission:

- 1) Seniority will be used to determine who will receive tuition remission
- 2) Academic performance
- 3) Relevance of the program to an employee's current position (employee criteria only)

9.2.3.2. Employees/dependents who are not awarded tuition remission will be placed on a wait list for future tuition remission awards. However, seniority will continue to be the deciding factor in awarding tuition remission for these programs.

9.2.3.3. If an employee/dependent is awarded tuition remission in the MACOM or MDCI program and then leaves the program, he/she will need to reapply for the benefit. Tuition remission will only be awarded if there is an open slot.

9.3. Tuition Exchange Program

9.3.1. The Tuition Exchange (TE) provides a national scholarship exchange program for dependent children of full-time faculty and staff among its members of approximately 630 U.S. colleges and universities. Colleges and universities participating in this program have agreed to remit tuition for participants from other member institutions (Some partner institutions also remit room and board). Partner institutions remit full tuition or at least up to the level determined yearly by Tuition Exchange (80th percentile of tuition of member institutions). The primary obligation of a member institution is to maintain a balanced exchange pattern, over a five-year period, between student "exports" and student "imports". A member institution may import as many students as it wishes. It may not, however, export more than it imports. Institutions with many applicants may limit the number of TE Scholarships they award. All students must seek admission to the partner institution which determines admission and admission procedures. The following Guidelines are applicable to Western New England University employees who participate in the program.

9.3.1.1. Definitions:

- a) Eligible Faculty: Any current Western New England University full-time faculty or staff.
- b) Dependent Child: Any child born to a faculty member, legally adopted by a faculty member, or for whom legal guardianship can be documented. To be eligible for this benefit, however, a dependent child must enroll in a program of undergraduate study prior to his/her twenty-third (23rd) birthday.

- c) Applicant: The dependent child of an eligible faculty member who has applied for full-time, undergraduate study to a college or university that participates in the Tuition Exchange (TE) program. Scholarships are not granted for graduate study, non-degree study, or second undergraduate degrees.
- d) Maximum Scholarship: TE scholarships will not exceed a maximum of four (4) year (eight (8) semester tuition remission “units” or “slots”) per eligible employee. The eight (8) units may be divided among dependent children of an eligible employee, but a TE scholarship will be awarded to only one (1) child of an eligible employee at a time, and each child must undertake the eligibility and application process.
- e) Tuition Exchange Liaison Officer: Joanne Ollson, Assistant Vice President and Director of the Office of Human Resources.

9.3.1.2. Procedures:

- a) By November 1 of the current academic year, dependent children of Western New England University faculty and staff who are seeking admission to a partner institution will notify the TE Liaison Office of intent to apply for a TE scholarship by completing an Eligibility Form available from the Office of Human Resources and returning it to the Tuition Exchange Liaison Officer.
- b) The TE Liaison Officer will verify the eligibility and seniority of the employee/parent.
- c) By December 1 of each academic year, Western New England University will be given the number of TE “units” available for the upcoming academic year. The number of available “units” or “slots” will be determined by the current number of Western New England University “imports” and “exports”; correspondingly, these will vary from year to year. Slots will be assigned to applicants. These will correspond to the number of scholarships available.
 1. If the number of applicants is equal to the number of TE scholarships available, each applicant will be given the opportunity to apply for a TE scholarship.
 2. If the number of applicants exceeds the number of TE scholarships, candidates will be selected on the following priority ranking:
 - a) First priority will be given to students who are already enrolled in a member institution, and who are holding a TE scholarship. The student must also be in fair academic standing (a GPA of at least 2.0 on a 4.0 scale.)
 - b) Second priority will be given to applicants based on the employment seniority of the parent. Seniority is based on years of full-time service at Western New England University.
 - c) Among applicants whose parents have the same years of seniority, priority will be determined by financial need as measured by the Parents’ Confidential Statement.
 - d) Last priority will be given to students with siblings who have already received a TE Scholarship for two (2) years.
 3. Applicants who are not selected as TE recipients will be placed on a waiting list as alternates for the upcoming academic year in accordance with the priority ranking in Item 2. above.
 4. In the event that a TE recipient chooses to attend a non-TE institution or otherwise forfeits the right to receive a TE scholarship, alternates will be reconsidered for any available slots.
 5. Alternates who are not selected may reapply for a TE scholarship for the following academic year in accordance with the priority ranking described in Item 2. above.
- d) The TE Liaison Officer certifies the eligibility of selected applicants to apply for a TE scholarship. The selected applicants will complete an “Application/Certification for Tuition Exchange Scholarship” which

is available from the Office of Human Resources; and, upon completion, return to the TE Liaison Officer. Failure to return this form in a timely fashion may result in forfeiture of application.

- e) Selected applicants must accept the TE scholarship award in writing by May 1, for the upcoming academic year and notify the TE Liaison Officer of the decision to enroll in a TE institution. Applicants who do not meet this requirement will forfeit their awards to alternates on the waiting list.
- f) Students will ordinarily be able to remain in the program for four (4) years, but continued participation depends upon yearly certification of eligibility, the student's adequate academic standing at the host institution, and Western New England University's ability to attract sufficient "imports" to offset or balance its "exports". Accordingly, renewal forms must be completed and processed in a timely manner every year.
- g) Eligibility to apply for a TE scholarship is determined by Western New England University. However, TE scholarships are granted by the host institution. Western New England University cannot guarantee that any applicant, no matter how well qualified, will receive a TE scholarship from the host institution, which may choose to restrict its imports if their number exceeds exports.
- h) Continued participation in the program is contingent upon maintaining a GPA of at least 2.0 on a 4.0 scale. Each recipient who is awarded a TE scholarship must submit a transcript to the TE Liaison Officer within one (1) month after the end of each academic year.
- i) If a TE recipient takes a leave of absence or withdraws from the college, the student must notify the TE Liaison Officer at both Western New England University and the host institution immediately.
- j) Western New England University reserves the right to modify these Guidelines to insure an appropriate balance between "import" and "export" students. Click here to go to the Tuition Exchange website: <https://www.tuitionexchange.org/index.cfm>.

9.4. Council Of Independent Colleges Tuition Exchange Program

9.4.1. The Council of Independent Colleges Tuition Exchange Program (CIC-TEP) covers two hundred thirty-one (231) colleges and universities, and the list of participants is largely a different list of colleges than those participating in the Tuition Exchange Inc. (TE) program.

9.4.2. The CIC-TEP program is available to all full-time faculty/employees of the University and unlike the TE program, may be used for spouses as well as dependent children. The CIC-TEP program requires that the value of scholarships be equal to the full tuition of the importing institution.

9.4.3. Unlike the TE program, the CIC-TEP program does not require that colleges maintain a balance between import and export scholarships. This means that we do not have to limit the number of export scholarships that we grant to University employees. However, importing colleges are only required to grant three (3) new import scholarships per year. Therefore, receiving an import scholarship under CIC-TEP can be competitive.

9.4.4. There are no guarantees that any eligible faculty/employee will receive a scholarship under either the TE or CIC-TEP programs but both of these plans provide opportunities that should be investigated. Information about both the TE and CIC-TEP programs, including a list of participating schools and eligibility requirements, is available in the Office of Human Resources. If you have any questions regarding this opportunity, contact the Office of Human Resources. Click here to go to The Council of Independent Colleges website: <http://www.cic.edu/>.

Section 10 Professional Development

10.1. Advanced Training

10.1.1. For members of the full-time faculty who pursue courses leading to an advance degree, or courses that are necessary to maintain professional competence, or who engage in post-doctoral study, the University will reimburse the costs of tuition and academic fees up to an amount no greater than two-thirds (2/3) of the per credit hour tuition for graduate courses at Western

New England University for such total semester hours as approved by the appropriate Dean. The University does not expect that full-time faculty will be full-time students simultaneously.

10.1.2. All courses must be approved in writing by the appropriate Dean in advance of the actual course meetings. Professional development approval/reimbursement forms are available in the Office of Human Resources.

10.1.3. All reimbursements for professional development will be made when grades have been submitted to the appropriate Dean and have been approved for payment. In all graduate courses paid for by the University taken at other institutions, reimbursement will not be approved unless the full-time faculty member achieves a minimum grade of “B” (or equivalent).

10.2. University Sponsored Travel

10.2.1. Western New England University encourages faculty members to contribute to professional and academic societies and other academic institutions and organizations relevant to their discipline. The nature of the contribution can include attendance at meetings, presentations, service as an officer, and committee service within the organization, among other activities. Each Dean is authorized to assure a fair and equitable distribution of limited University funds available for this purpose. Support must be approved in advance by the appropriate Dean. Upon return, the faculty member should promptly file a standard expense voucher with the Dean’s office. University funds may be made available to cover the cost of travel (within the United States), meals, lodging, registration, and fees for this purpose. The following (not in order of priority) are fundable at the discretion of the Department Chair and Dean.

10.2.2. Reimbursement for the purpose of presenting a paper, symposium, or workshop session at an academic society meeting;

10.2.3. Reimbursement for the purpose of discharging duties as an officer at an academic society meeting;

10.2.4. Reimbursement to range from limited to full for the purpose of being a session chair, discussant, or for acting in a similar role at an academic society meeting;

10.2.5. Reimbursement to range from limited to full for the purpose of attending an academic society meeting;

10.2.6. Reimbursement to range from limited to full for the purpose of attending an academic meeting at the request of one’s Dean;

10.2.7. Reimbursement to range from limited to full for the purpose of attendance and participation in short courses, institutes, and seminars.

10.3. Faculty Development, Summer Research, and Curriculum and Course Development Funds

10.3.1. Any tenured or tenure-track faculty member or faculty member having Professional Educator status is eligible to apply for a Faculty Development Grant or a Summer Research Grant or a Curriculum and Course Development Grant. The Faculty Affairs Committee of the Faculty Senate oversees each of these grant programs in coordination with the Provost.

10.3.2. Proposals for Faculty Development Grants, Summer Research Grants, or Curriculum and Course Development Grants should be submitted according to the details on these grant programs as identified in appendices 5, 6, and 7.

10.3.3. Unexpected funds may be shifted between the three (3) grant programs at the discretion of the Provost and the Faculty Affairs Committee for recommended projects.

10.3.4. Unexpected funds may be shifted between the two (2) funds at the discretion of the Provost for recommended projects.

Section 11 Research/Scholarship and Patent Policies

11.1. The University recognizes that research by its faculty is important to the advancement of its educational goals and to the professional development of the individual involved. Therefore, the University enables each member to contribute to his/her

area of interest by engaging in research.

11.2. A faculty member shall keep his/her faculty Dean informed and in turn the Dean shall inform the President, Provost and Vice President for Finance and Administration as to the status of a research project from the initial proposal stage to the final completion.

11.3. Where the University provides office space, this may be used while the faculty member is carrying on the research work. Laboratories and equipment may also be used upon approval of the Dean of the College when this use does not interfere with the instructional program. If the research is supported by industry, a foundation, or a government agency, an approved overhead will be levied for the use of University facilities and equipment.

11.4. Expendable supplies, such as chemicals, components, charts, photographic supplies, etc., shall be charged to the project. In the case of supported research, the University shall be reimbursed in full for these.

11.5. Secretarial service provided by the University and telephone costs shall be charged directly against supported research projects.

11.6. A faculty member who expects to carry on supported research shall make definite salary arrangements with his/her Dean, the Provost, the Vice President for Finance and Administration, and the President prior to the start of such work. It is possible for the faculty member to be placed on a part-time teaching, part-time research status. In such cases, the University will continue the medical coverage as provided for a full-time teaching faculty. The Group Life Insurance and the disability coverage will also be continued as for full-time teaching personnel with the annual salary amount computed on the combined salary for teaching and for research, but in no case shall the computed salary be more than that for full-time teaching, not including overload teaching. In the case of the TIAA/CREF Annuity the University will continue to contribute the usual percentage of the faculty member's combined annual salary for teaching and for research, but not exceeding the full-time teaching salary, exclusive of overload teaching. Where a faculty member works on supported research during summer months, there shall be no contribution to the retirement annuity by the University on the basis of summer salary.

11.7. The University shall have the rights to any inventions and patentable products resulting from faculty research conducted at Western New England University that is not supported by outside funding. The University maintains an affiliation with the Research Corporation of American for the purpose of evaluating inventions and assisting with the securing of patents. The cost of filing and prosecuting patents resulting from unsponsored faculty research shall be paid by the University.

11.8. If the University elects not to pursue the patent process within ninety (90) days, the full rights and any income there from are assigned to the inventor.

11.9. The rights to patents and other patentable products or developments resulting from faculty research conducted off the premises of the University outside the contractual obligations with the University shall belong to the individual.

11.10. In the case of sponsored research which finances all expenses connected with the investigations, the sponsor may be entitled to exclusive rights. In cases where the costs of development are borne both by the University and some other person or agency, or by foundation or grants, it shall be considered that the equities are divided in proportion to the contributions. Each such case shall be subject to special agreement.

11.11. If a faculty member wishes to make use of University staff, equipment, facilities, or supplies for private research scholarship, it must be done with the express permission of his/her Dean. Should University financial considerations enter into such work, cost-sharing must be arranged in advance with the Provost and the Vice President for Finance and Administration and recommendations from them must be approved in writing by the President.

Section 12 Faculty Load, Research, and Professional Development

12.1. The normal faculty load is twelve (12) credit hours per semester. For purposes of this figure, one (1) contact hour of lecture counts as one (1) credit hour and one and a half (1.5) contact hours of laboratory count as one (1) credit hour. One (1) semester hour consists of forty-five (45) contact hours (one (1) Semester Hour = one (1) Carnegie unit = forty-five (45) fifty 50-minute class sessions). The normal twelve (12)-credit hour load may be reduced for the following activities:

12.2. Special assignment such as Assistant or Associate Dean, Department Chair, Coordinator of Adjuncts, Director of International Studies, Director of Study Abroad Programs, and other similar positions as appropriate.

12.3. Research, professional development, and proposal preparation. As part of their role as full-time members of the teaching faculty, all members of the faculty are expected to engage in some form of professional development, scholarship or research, and governance/University service/advising. Some faculty, however, may wish to spend more time on research, professional development, and proposal preparation than is realistically possible while carrying a full teaching load. In order to accommodate and encourage such special efforts in an equitable fashion, the following guidelines and procedures have been adopted.

12.3.1. Individuals without outside funding who request released time for research, professional development, or proposal preparation will submit requests presenting brief descriptions of the activities they propose to carry out, estimates of the time required, and indications of what specific achievements are to be expected. Requests will be submitted to the respective Chairs well in advance of the time that teaching assignments are to be determined for each semester. All requests will be reviewed by a faculty committee of the College and its recommendations will be forwarded to the Department Chair and the Dean. Depending upon budgetary considerations and course staffing needs, a modest number of these requests may be granted each semester if justified.

12.3.2. If approved, released time for these special efforts will be allocated as a part of the faculty load for the semester in increments of one (1), two (2), or three (3) credit hours. No more than three (3) hours of released time will be granted without receiving outside funding. At the end of the semester, each person with released time not funded by outside sources will submit to the Department Chair and Dean a report of his/her efforts and accomplishments in connection with the released time. These reports will include evidence of progress, such as copies of grant proposals or papers to be presented or published. Reports will be carefully reviewed and used in decisions about any possible extension of the released time into the following semester or future requests, and will be used also as a part of the annual review process. At the end of each year, Deans will submit a report to the Provost summarizing the released time granted and the accomplishments stemming.

12.3.3. Released time resulting from any of these arrangements will not be granted to faculty members teaching overloads for extra compensation at Western New England University or elsewhere.

12.3.4. It is the responsibility of each of the Deans to administer faculty loads within the college in a flexible manner so that a proper balance of loads will be achieved over a period of a year or longer rather than on a semester by semester basis. It is also the responsibility of the Deans to keep the Provost informed on a semester by semester basis regarding the variations of loads deriving from these policy guidelines.

Section 13 Equal Employment Opportunity

13.1. It is the policy of the University to provide “equal employment opportunity” on the basis of merit and without discrimination on the grounds of race, color, religion, sex, sexual orientation, age or national origin, or non-disqualifying handicap pursuant to Federal Executive Orders 11246 and 11375, and Commonwealth of Massachusetts Executive Order 74.

13.2. The University will provide equal opportunity through positive, continuing programs in every Department. This policy of Equal Employment Opportunity applies to everyone, in every aspect of employment policy and practice.

13.3. Such equal opportunity will apply, but not be limited to, employment, upgrading, transfer, recruitment, advertising, layoff, termination, rates of pay, or other forms of compensation, and selection for training. Notices of nondiscrimination will be posted in conspicuous places to be viewed by all employees.

13.4. It is the policy of the University that in the process of recruitment for an appointment to the work force, no assignment will be made until minority-group candidates have been sought out and, if qualified candidates are identified, are encouraged to apply. Appointments will be monitored to insure that the University is moving significantly toward the goals of increased employment for women and minority persons.

13.5. Western New England University will insure, in all solicitations or advertisements placed by or on behalf of the

University, that applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, age, national origin or non-disqualifying handicap by addition of the statement “An Equal Opportunity Employer.”

Section 14 Employee Assistance Program

14.1. The University maintains an Employee Assistance Program to provide help and counseling for on- or off-the-job emotional, family, substance abuse, legal, and financial problems etc. for faculty and their families. **The services are provided free of charge and are completely confidential.** No one at the University receives any report as to whether or not a member of the faculty or member of the faculty’s family may have taken advantage of the program. The Employee Assistance Program may be reached by telephone at 1-800-252-4555 or 1-800-225-2527. More information can be found at <https://www.theeap.com/main/1078769955/>. Additional information is available from the Office of Human Resources or from your supervisor.

Section 15 Other Fringe Benefits

15.1. Reimbursement/ Dependent Care Assistance Accounts

15.1.1. Health Care Reimbursement Account enables an eligible faculty member to pay for expenses not covered by an insured medical plan and save taxes. The Dependent Care Assistance Account enables an eligible member to pay for out-of-pocket, work-related dependent day-care cost with pre-tax dollars. Detailed information about the accounts may be obtained from the Manager of Benefits Administrator in the Office of Human Resources.

15.2. Jury Duty

15.2.1. A faculty member called for jury duty will be allowed absence without loss of pay for the period of service as a juror. Pay for such time on jury duty will be reduced by any amounts received from the courts as a juror.

15.3. University Bookstore Discount

15.3.1. All full-time faculty and all regular administrative employees will be allowed a ten percent (10%) cash discount on certain items purchased through the University Bookstore. A valid University employee identification card must be presented at the time of purchase in order to receive the discount.

D. INSTRUCTIONAL AND CLASSROOM PROCEDURES

The following procedures are applicable to both full and part-time faculty:

Section 1 Faculty Responsibility

1.1. The primary responsibility of the Faculty is effective teaching so as to enable the students to complete prescribed academic programs and to facilitate student learning and achievement in the disciplines. The standards set for these fundamental activities appear below in Appendix 1. The suitable application of the academic standards of the University, established by the Faculty and approved by the Administration, is important and should be reflected in the quality of teaching, the quality and quantity of work required of the students, and in the distribution of grades. These standards must be, as in any University, closely related to the applied admission standards if the University expects to meet its obligations to the students admitted. It is, therefore, the responsibility of the faculty to communicate effectively the principles and practices of their disciplines to the existing student body by the development and application of teaching methods which allow matriculated students a reasonable opportunity, applicable within the framework of the standards of the University, to succeed in their programs and, after graduation, to make significant and lasting contributions to their professions.

1.2. The Faculty must be the advocates and defenders of the integrity of scholarship without which learning has no meaning. To this end each faculty member is expected to make clear to all students the necessity for honesty in the classroom, to structure the classroom environment so as to minimize the temptations and opportunities for academic dishonesty, and to explain these principles clearly to the students. Faculty members are expected to serve as role models of academic and personal integrity.

1.3. Attention should be given to the comfort of the students in regard to light, temperature, ventilation, etc. Because the heating system and its controls are complicated, the responsibility for its operation must rest with the maintenance men and with the heating engineers. To assure maximum efficiency in the use of our energy resources, it is important that adjustments in the heating system be made by the energy personnel only. Complaints about individual rooms should be forwarded to the office of the Director of Facilities Management.

1.4. Smoking is prohibited in all buildings at the University. The use of smoking materials in classrooms and laboratories is prohibited by law.

Section 2 Class Cancellations

2.1. In the event a faculty member cannot meet a class or classes, notification to that effect is to be forwarded to the respective Dean. Arrangements for a substitute instructor should be made in consultation with the Dean. It is expected that all classes canceled by reasons of faculty absence will be made up with arrangements to be coordinated through the Dean's office.

Section 3 Class Rosters and Grade Cards

3.1. Registration of students in class is reflected on class lists: (a) an initial list provided on the first day of classes; and (b) a second list provided during week three (3). Admission to a class of any student not on the roster may be granted only when an official Add/Drop Form is presented. Grade rosters for students officially registered are issued prior to mid-term and to final examinations. A grade must be reported for each student so registered.

3.2. Faculty members are to report any discrepancies between official listings and actual class attendances.

Section 4 Student Class Attendance Policy

4.1. Students are required to attend all class sessions for courses in which they are enrolled.

4.2. Class attendance at the time of University vacations is a particular problem. Since the Faculty by their actions and expectations can do much to establish the pattern of student behavior, faculty assistance is requested to minimize student absences at those times. To this end the following are appropriate expectations:

4.2.1. All regularly scheduled class sessions two (2) days before and two (2) days following a University vacation will be met as scheduled unless emergencies arise in which cases substitute supervision for the classes should be arranged. Cancellation of any class, even if made up before or after, encourages students to apply pressure on other faculty for similar concessions and is inappropriate.

4.2.2. Each member of the Faculty is encouraged to plan vacation-proximate class sessions so that they will be singularly important in the mastery of the course material. Such plans could include quizzes, examinations, student reports with penalized absences, particularly important lectures or discussions, or a variety of other similar devices. Faculty members are encouraged to make use of the University's facilities to assign student group activities, cooperative learning projects, programmed use of library resources and/or computer programs for self-paced instruction.

4.2.3. Each instructor is expected to prepare, as an integral part of the course syllabus, a written statement setting forth course objectives and evaluation methods as well as the policies regarding expectations for attendance, consideration of absences, makeup examinations, and related matters which will be reviewed with the students at the opening of the semester.

Section 5 Student Absence Due to Religious Beliefs

5.1. The General Laws of Massachusetts Chapter 151C, Section 2B stipulates the following: Any student in an educational or vocational training institution, other than a religious or denominational educational or vocational training institution, who is unable, because of his religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement, and shall be provided with an opportunity to make up such examination, study or work requirement which he/she may have missed because of such absence

on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon such college. No fees of any kind shall be charged by the institution for making available to the said student such opportunity. Students shall not be penalized for availing themselves of the provisions of this section.

Section 6 Final Examinations

6.1. University policy, based upon faculty decision, in regard to Final Examinations and Tests is as follows:

6.1.1. Final examinations are normally given in all courses in accordance with the published Final Exam Schedule. Should final exams not be consistent with the academic goals of courses, the reasons for such must be included in the Course Syllabus.

6.1.2. Final examinations must be given on the date and at the time scheduled unless other arrangements have been made in advance. Under no circumstances are final examinations to be administered during the final week of classes. Further, during the last week of classes, hour examinations are permitted only in those courses where there is a final examination, semester paper, or semester project requirement due the week of final examinations. In addition, no examinations or quizzes shall be administered on the last day of classes (if it falls on a Monday) or on the last two (2) scheduled days of classes (if the last day of classes falls on a Tuesday or thereafter). This policy does not in any way relieve the student of responsibility for the material covered in the last days of classes.

6.1.3. The Chair of each department is responsible for the adherence to the latter policy by all members of the department. Final examinations formally scheduled but not given must be reported to the appropriate Department Chair.

6.1.3.1. Final Examination Time: Final examinations are normally two (2) hours in length.

6.1.3.2. Faculty Responsibility: The administrative details concerning examination conduct and procedures are left up to the individual instructor.

6.1.4. Because academic integrity is so important, the presence of a proctor is required in all examinations given in a University classroom. Prior to the final examination period, faculty members will consult with the College Dean regarding the need for additional proctors. The Dean may seek the assistance of the Director of Student Administrative Services in securing proctors, if needed.

6.2. Make-up Examinations: Instructors may establish their own policies regarding students who miss a test or examination given in a course, subject to the six (6)-week limit for removing incompletes.

Section 7 Grades

7.1. Instructors are required to submit to the Director of Student Administrative Services mid-semester grades and final grades. Mid-semester grades are due in the Director of Student Administrative Services Office within seventy-two (72) hours of the closing date published in the University calendar; final grades are due within seventy-two (72) hours of the time the examination is completed by the students.

7.2. It is crucial that mid-term grade reports reflect the instructor's actual evaluation of students' progress. Graded assignments must be given early in the semester, and regularly, prior to the calculations of the mid-term grades. This practice ensures adequate feed-back to students and evidence upon which the instructor may make his/her evaluation of student progress.

7.3. Details of the undergraduate and graduate grading systems are described in the "Academic Regulations" section of the University Catalogue.

Section 8 Syllabi

8.1. Each member of the Faculty is expected to prepare and distribute to the students a syllabus for each course. The syllabus should include a) clear statements of the course objectives and the methods of evaluating students' achievement of them, and b) statements of attendance, final examination, mid-semester grade, and integrity of scholarship practices which conform to University policies. At the first meeting of each class, the syllabus will be reviewed with the students with particular attention

being given to the sections on course objectives and methods of evaluation, attendance, and integrity of scholarship. Copies shall go to the Chair and the Dean of the College.

Section 9 Field Trips

9.1. Faculty members who are planning a field trip with their students should notify all other faculty members whose program will be affected in order to avoid a disruption of the teaching schedule. Students are taken to the destination by bus, rather than using individual cars. No field trips should be planned for vacation proximate class sessions.

Section 10 Academic Advising

10.1. While upper-level students have the option of choosing an academic advisor who best suits their needs, within limitations set by the respective Colleges; if they do not, an academic advisor will be assigned to them. First year students are assigned academic advisors by the Deans and Department Chairs from among the faculty to ensure that only those faculty are appointed who are most willing and able to provide the attention freshmen need and deserve.

E. THE FACULTY ORGANIZATION

BY-LAWS OF THE FACULTY OF WESTERN NEW ENGLAND UNIVERSITY

(Effective September 1, 2001, these By-Laws are not considered part of the Faculty Handbook with respect to amendment or modification.)

ART. I NAME

The name of this organization shall be “The Faculty of the Colleges of Arts and Sciences, Business, and Engineering of Western New England University,” hereinafter referred to as the Faculty.

ART. II MEMBERSHIP

The composition of the Faculty shall be as given in Section B-1 of the Faculty Handbook.

ART. III RESPONSIBILITY

3. The Faculty shall have the responsibility to recommend to the President of the University:

3.1. Action regarding the offering of curricula for all degree or certificate programs. The appropriate department or College, working under the supervision of the Dean, retains the responsibility to make recommendations to the Provost who in turns recommends to the President such courses as may be required or elected to implement these programs, including necessary and periodic revisions, additions, and deletions of courses, except as stated otherwise in paragraph (2) of subsection (c) of Section 2 of Article IV of these by-laws.

3.1.1. The Faculty shall provide the Provost and the President information on the purposes, functions, and potential needs, as well as the anticipated costs, if any, of such programs initiated by the Faculty.

3.1.2. For any degree or certificate programs which may be directly initiated by the Trustees, the Faculty shall be provided information on the purpose, functions, and potential needs, as well as the anticipated costs (if any), and the implementation of such programs shall proceed in the manner described above.

3.2. Standards of student achievement and the requirements for graduation.

3.3. Principles and guidelines to be followed in scheduling classes and examinations and in preparing the academic calendar.

3.4. Standards of admission to the University.

- 3.5. Philosophy and principles to aid in the development of out-of-class campus activities of students.
- 3.6. Long-range academic plans in those areas under the purview of the Faculty, encompassing philosophy and objectives, programs, facilities needed to accomplish the objectives, schedules of implementation, and projections of needs.
- 3.7. Policies and guidelines for the awarding of scholarships and financial aid to the students.
- 3.8. Faculty personnel policies.
- 3.9. Policies for the development of the library as an educational resource.
- 3.10. Policies and procedures for developing and assisting faculty scholarship and research.

ART. IV. THE FACULTY SENATE BY-LAWS

Section 1. Name

The business of the Faculty, except as otherwise provided herein, shall be conducted by a Faculty Senate, hereinafter referred to as the Senate.

Section 2. Powers

- 2.1. The Senate shall exercise all powers of the Faculty, provided that the Senate may not amend these by-laws, elect a Senator, or recall a Senator.
- 2.2. The Senate shall directly assume the development of policy and guidelines in those areas not delegated to committees.
- 2.3. With respect to curricular matters the Senate shall proceed in the following manner:
 - 2.3.1. The Senate shall act only upon the question of whether or not a curriculum shall actually be offered to students. The courses and requirements which make up a curriculum are the decision of the appropriate department or College working under the supervision of the Dean, except as provided below.
 - 2.3.2. The Senate shall recommend to the President for approval its decision on any and all of the five (5) matters described below, no curricular recommendation touching on these points shall be implemented without prior advice of the Senate:
 - 2.3.2.1. General course requirements for all students without regard to “major” or department or College;
 - 2.3.2.2. Distribution requirements outside of “major” courses in the curricula of academic majors which are presumed to further the educational objectives of the entire University;
 - 2.3.2.3. Joint offerings of courses which involve participation and cooperation across College lines;
 - 2.3.2.4. Courses offered within one College essentially for the needs of students in another College;
 - 2.3.2.5. Disputes or disagreements between Colleges about which College shall offer specific courses or “major” curricula.
- 2.4. The Senate shall recommend to the President for approval its decisions about proposals for the creation of new programs, “major” curricula, departments, or Colleges not yet existing.
- 2.5. It is not to be assumed that the Senate can only make positive or favorable recommendations to the President regarding proposals which fall within its jurisdiction. The Senate may also make negative recommendations or recommendations of

disapproval to the President regarding such proposals.

2.6. In addition, the Senate may seek information, conduct studies, develop proposals, or pursue other appropriate courses of academic action which in its judgment are found to be desirable or necessary for the efficient execution of its tasks in respect of the total curriculum of the University.

Section 3. Membership

3.1. The Senate shall consist of members of the Faculty, as follows:

3.1.1. The Provost/Vice President of Academic Affairs of the University, ex officio, without vote.

3.1.2. Four (4) members elected by each of the Colleges at least one (1) of whom must be a tenured member of that College's faculty.

3.1.3. Four (4) members elected at large by the members of the Faculty.

3.2. The term of a Senator other than the Provost/Vice President of Academic Affairs shall be two (2) years, beginning the week of May 1st unless sooner terminated by ineligibility, recall, or resignation. Terms shall be staggered.

3.3. No senator shall be elected or appointed to more than one (1) Senate seat for the same period, and no Senator shall be elected or appointed to a third (3rd) consecutive full term.

3.4. Senators elected by the Colleges shall be chosen in the following manner:

3.4.1. Two (2) Senators shall be elected at each annual election, which shall be held between April 1st and April 10th, inclusive, at a meeting called for that purpose by the Dean of the College.

3.4.2. A College may recall a Senator by majority vote at a special meeting ordered by that College.

3.4.3. Vacancies in unexpired terms of College Senators shall be filled as they occur at the annual election or at special meetings called for that purpose by the Dean of the College.

3.4.4. Voting for election or recall of Senators shall be by secret written ballot. Written notice of the meeting shall be provided at least three (3) days in advance to each member of the Faculty of the College.

3.4.5. Election or recall shall be certified in writing by the Dean of the College to the Secretary of the Senate and to the President of the University within two (2) days of such action.

3.5. Senators elected at large shall be chosen in the following manner:

3.5.1. After the election of Senators from each college, nominations for at-large eligible candidates will be made and at least one (1) but no more than five (5) candidates will be nominated to run for an at-large senate position.

3.5.1.1. The Secretary of the Senate shall be informed of the at-large nominations by each Dean no later than April 10th and shall prepare a ballot to be mailed to each member of the Faculty listing the nominated candidates and also instructing the Faculty that they can write in candidates who are eligible. Administrators with faculty status can be nominated through their respective Colleges or nominated as write-in candidates.

3.5.2. Two (2) Senators shall be elected each year, and ballots shall be mailed between April 10th and April 20th, inclusive, and shall be returned no later than April 30th.

3.5.3. Each member of the Faculty shall be entitled to vote for as many candidates as the number of Senators to be elected at large. Ballots casting fewer votes shall be valid, except for blanks; ballots casting more votes shall be void.

3.5.4. A plurality shall elect, and tie votes shall be resolved by lot by the next meeting of the Senate. In the event that a

person who is elected shall not accept, the person with the next highest number of votes shall be declared elected.

3.5.5. A Senator elected at large may be recalled by a majority vote of the members of the Faculty voting in a referendum. A petition signed by twenty-five percent (25%) or more of the members of the Faculty and presented to the Secretary of the Senate shall order a recall referendum.

3.5.6. When a recall referendum has been ordered, the Secretary of the Senate shall, within seven (7) days of such order, mail to each member of the Faculty a ballot. Ballots shall be returned within ten (10) days after they are mailed.

3.5.7. Election or recall shall be conveyed in writing by the Secretary of the Senate to the Senator elected or recalled and to the President of the University within two (2) days of certification of such action by the Committee on Nominations and Rules.

3.5.8. Vacancies in unexpired terms of senators-at-large shall be filled as they occur by those receiving the next highest number of votes in the original at-large election. If the next person in line declines, the next person(s) in line will be contacted until the vacancy is filled.

3.5.9. The Secretary of the Senate shall prescribe a procedure for voting which shall insure the eligibility of voters and the secrecy of ballots.

Section 4. Officers

4.1. The officers of the Senate shall be a Chair, a Vice Chair, and a Secretary. They shall be elected by the Senate from its membership at the second meeting of each Senate, upon nomination by the Committee on Nominations and Rules, provided that nominations shall also be in order from the floor.

4.2. The term of office of the officers shall be one (1) year. No Senator shall be elected to more than one (1) office for the same period, and no Senator shall be reelected to the same office for a third (3rd) consecutive full term.

4.3. The duties of the Chair shall be to preside over the meetings of the Senate; to authenticate by the Chair's signature, when appropriate, the recommendations and other proceedings of the Senate; and to represent and stand for the Senate, declaring its will, in accordance with its directives.

4.4. The Vice Chair shall perform the duties of the Chair in the absence or incapacity of the latter.

4.5. The duties of the Secretary shall be to prepare an order of business for each meeting, to record and publish the proceedings of the Senate, to hold custody of the minutes and other official documents of the Senate, to conduct the official correspondence of the Senate, and to perform such other duties as these by-laws or the Senate may prescribe. The Secretary shall keep a record of the date of creation, composition, and charge of newly formed Faculty Senate ad hoc committees. This information shall be forwarded to the office of the Provost to be issued as an addendum to the by-laws. The Secretary shall not serve as a member of any committee of the Senate.

4.6. The Senate may, by majority vote of its full membership, remove an officer at any time.

4.7. Vacancies in unexpired terms of the officers shall be filled by the Senate as they occur.

Section 5. Meetings

5.1. The Senate shall determine its own schedule and place of meetings, and, except as otherwise provided herein, shall prescribe its own rules and procedures for the conduct of business.

5.2. Meetings of the Senate may be attended by any member of the University community except when, by majority vote, the Senate calls for a closed session. The Senate reserves the right to go into executive session.

5.3. Minutes of meetings of the Senate shall be sent regularly and promptly to all members of the Faculty and to members of the Student Senate, or comparable body. When called for, the vote of each Senator shall be recorded by name and shall be

made a part of these minutes.

5.4. In meetings of the Senate the vote of each Senator shall not be required to be recorded by name and made a part of the minutes except that any Senator can order a roll call vote, and such order shall rank as a Question of Privilege. Any member can request a written ballot on a motion duly considered.

5.5. Actions of the Senate, including actions of Committees of the Senate acting with power, shall be considered recommendations to the President of the University, whose written approval shall be necessary to give them effect; provided that such approval shall not be required for resolutions expressing the sense of the Senate or for actions concerned with the internal organization and procedures of the Senate as authorized in these by-laws.

5.6. The first (1st) meeting of each Senate shall be held as soon as expedient after May 1st and shall be called by the Temporary Chair.

5.7. The second (2nd) meeting of each Senate shall be held approximately two (2) weeks after the first (1st) meeting, at a time set by the Senate.

5.8. The Chair and Secretary of the old Senate shall serve as Temporary Chair and Temporary Secretary, respectively, of the new Senate, but if not also reelected, reappointed, or continuing as Senators, they shall not have votes in the new Senate.

5.9. Motions presented as new business must be published and available to the faculty at large prior to the meeting at which they are considered.

5.10. Except as otherwise provided in these by-laws or in roles of the Senate the meetings of the Senate shall be governed by Robert's Rules of Order, latest edition.

Section 6. Committees

6.1. The Senate shall function with the assistance of the standing committees designated below and such ad hoc committees as it may from time to time appoint.

6.2. Except as otherwise provided herein, committee members shall be elected from members of the Faculty; committee chairs shall be elected from members of the Senate; and standing committees shall consist of at least one (1) member from each College.

6.3. Except as otherwise provided herein, committee chairs and other members of the committees shall be elected by the Senate upon nomination by the Committee on Nominations and Rules, provided that nominations shall also be in order from the floor.

6.4. The Chair and other members of the Committee on Nominations and Rules shall be elected at the first (1st) meeting of each Senate, upon nomination from the floor. The chairs and other members of other standing committees shall be elected at the second (2nd) meeting of each Senate, unless otherwise specified.

6.5. Except as otherwise provided herein, the term of a member of a standing committee shall be one (1) year, and no member shall be elected to a third (3rd) consecutive full term on the same standing committee.

6.6. Committees shall report regularly, and, except as otherwise provided, shall report to the Senate.

6.7. The Senate may, by majority vote of its full membership remove a member from a committee or withdraw a chair.

6.8. Vacancies in unexpired committee terms or chairs shall be filled as they occur, in accordance with subsection (6.3.) of this section.

6.9. Faculty Senate committees will meet regularly with their appropriate counterparts on the Student Senate. When meeting in joint session, the chair will be elected from the joint membership. These committees include, but are not restricted to, the following: Academic Standards, Admissions, and Student Affairs.

6.10. Standing Committees

6.10.1. Academic Standards

6.10.1.1. Membership: Three (3) faculty members. The Chair of this committee will serve as the faculty representative to the Academic Affairs Committee of the Board of Trustees.

6.10.1.2. Charge: The Academic Standards Committee shall be invested with the responsibility of safeguarding the academic standards of the University. The Committee shall be responsible for recommending policies with regard to: requirements for graduation and the granting of degrees; grading; status of “good standing,” probation, and dismissal; honors; and related matters. In addition, it shall be responsible for seeing that these academic regulations are codified. One (1) function shall be to sit in review on all student appeals from dismissal for failure to meet the academic standards.

6.10.2. Admissions and Retention

6.10.2.1. Membership: Three (3) faculty members. The Vice-President for Enrollment Management, the Chair of the Sophomore Year Committee and the Dean of Freshman Students and Students in Transition shall serve as members of the Committee ex officio, without vote.

6.10.2.2. Charge: The Committee shall be responsible for recommending policies and procedures for the admission of students; recommending policies which will provide for more active faculty participation in the admission and retention processes; and reviewing the results of the admissions process in the light of data on academic standards and retention. This committee shall also be responsible for hearing reports from other University committees on issues relating to student recruitment and retention.

6.10.3. Faculty Affairs

6.10.3.1. Membership: The Faculty Affairs Committee shall consist of six (6) faculty members. This committee shall consist of two (2) subcommittees, the Scholarship and Research Subcommittee consisting of three (3) members and the Faculty Development Subcommittee consisting of three (3) members and the Coordinator of Assessment, ex officio. The chair of this committee shall be responsible for hearing reports from other University committees on issues relating to faculty development.

6.10.3.2.(a). Scholarship and Research Subcommittee

6.10.3.2.(a).1. This subcommittee shall be responsible for formulating general policies for library development, receiving research proposals from faculty which require some measure of funding, encouragement, or released time; acting as the agent of the Faculty in preparing recommendation for funds and/or space; semi-annually reviewing all proposals presented to it, and establishing priorities for action on these proposals by the University. The committee shall encourage creative undertakings by the faculty in those broad areas called scholarship and research and encourage proposals which will actively involve our students in the research which is undertaken.

6.10.3.2.(a).2. Proposals to this committee shall pass through the Chair of the Department and the Dean of the College of the faculty member who is submitting the proposal, for their endorsement.

6.10.3.2.(b). Faculty Development Subcommittee

6.10.3.2.(b).1. This subcommittee shall recommend policies which will encourage professional development and teaching effectiveness. Concerns such as the availability of financial support for professional development activities, provision for improved facilities shall be within the purview of this subcommittee.

6.10.4. Nominations and Rules

6.10.4.1. Membership: This committee shall consist of three (3) Senators, one (1) from each College who shall not be elected to a second (2nd) consecutive full term.

6.10.4.2. Charge: The committee shall be responsible for nominating a slate of one (1) or more candidates for the posts of: officers of the Senate; chairs of the standing committees of the Senate, unless otherwise provided; the other faculty members of the standing committees of the Senate; the chairs, and other member of ad hoc committees when not previously designated and when so directed by the Senate. The committee shall pay particular attention to other assignments of nominees so that there is an attempt to distribute the committee work load equitably. The committee shall notify in writing faculty members of their committee assignments. The committee shall also be responsible for keeping under continual review the responsibilities, organizational structure, and procedures of the Faculty Senate, for making recommendations concerning rules and procedures of operation and amendments to the Faculty By-laws, and for the annual updating of the Faculty By-laws as published in the Faculty Handbook. It shall recommend the appointment, charge, and discharge of ad hoc committees; receive, count, and report the results of ballots cast by the Faculty; and certify the election, appointment, or recall of Faculty Senators and the adoption of amendments to these By-laws. The committee shall keep a list of all faculty members and the votes each received in the at-large election each year. In addition, it shall be responsible for transmitting recommendations from committees of the previous Senate to the appropriate committees of the new Senate; this should be accomplished before the first (1st) Senate meeting in September of each year.

6.10.5. Personnel

6.10.5.1. Membership: The Personnel Committee shall consist of seven (7) tenured faculty members, including at least two (2) members from each College. Members of this committee will serve two (2) year terms and may be elected to two (2) consecutive terms.

6.10.5.2. Charge: The Committee shall be responsible for recommending policies related to faculty recruitment and employment practices; compensation; promotion; tenure policies; retirement; sabbaticals; leaves of absence; merit plans; fringe benefits; definition of rank; faculty load; faculty evaluation; and related matters affecting the growth and well being of the Faculty.

6.10.6. Registration and Advising

6.10.6.1. Membership: The committee shall consist of three (3) faculty members, three (3) students (one (1) from each College), three (3) Assistant or Associate Deans (one (1) from each College with the Academic Schedule Coordinator, Director of Student Administrative Services, and Dean of Freshman Students and Students in Transition. Other appropriate university staff may be invited on a regular or as-needed basis to be contributing members without vote.

6.10.6.2. Charge: The committee shall be responsible for recommending registration and advising policies particularly those involving commitment of faculty time and responsibilities.

6.10.7. Student Affairs

6.10.7.1. Membership: The Student Affairs Committee shall consist of six (6) faculty members and the Dean of Students or a designated representative as an ex officio member with vote. This Committee shall consist of two (2) subcommittees of three (3) faculty members each. The Chair of this Committee shall be a voting member of the Student Activities Subcommittee and shall preside without vote over hearings of the Student Review Subcommittee. The Chair shall also serve as the faculty representative to the Student Affairs Committee of the Board of Trustees.

6.10.7.2. Charge: This Committee shall be responsible for recommending philosophy and principles to govern the development of out-of-class campus activities of students and student conduct.

6.10.7.2.(a). The Student Review Subcommittee shall have judicial responsibility in the area of student conduct. It shall function as a review board in accordance with the provisions of the Student Conduct Code and the Code of Academic Honesty. The Dean of Students or the designated representative shall not be a member of this subcommittee.

6.10.7.2.(b). The Student Activities Subcommittee shall be concerned with out-of-class student activities on campus, including extracurricular clubs and organizations, cultural activities, on-campus religious activities, fraternities and sororities, intramural and intercollegiate athletic programs, student publications, and related leisure time activities.

6.10.8. Human Relations

6.10.8.1. Membership: The Human Relations Committee shall consist of (but not be limited to) three (3) Senators, one (1) from each College.

6.10.8.2. Charge: The committee shall be responsible for: review of the procedures and practices of recruitment and retention of minority students (Black, Hispanic, Native American, Asian, and other internationals); review of the procedures and practices for recruiting qualified minority candidates for faculty, and to receive an annual report from the Administration on minority recruitment of administrative and staff positions; the contact and maintenance of communication with similar committees at other colleges and universities and with the community at large to share experiences and ideas relevant to the committee's mission; recommending to the University community ways of introducing the issues of tolerance and intolerance into the academic program to sensitize students and faculty to the problem.

6.10.9. Assessment Committee

6.10.9.1. Membership: The Assessment Committee shall consist of three (3) faculty members. The Coordinator of Assessment shall serve as a member of the committee, ex-officio, with vote.

6.10.9.2. Charge: This committee shall provide assistance to and coordinate the efforts of the colleges in their assessment processes. The committee shall also be the faculty's liaison to the institution in the development and execution of its assessment process. The Coordinator of Assessment will advise the committee on creating and maintaining assessment processes that provide continuous quality improvement in educating our students in a manner consistent with the institution's mission.

6.10.10. Program Review Committee

6.10.10.1. Membership: The Committee shall consist of six (6) faculty members (two (2) from each college) with at least one (1) member a Senator and one (1) member, who must be a Senator, serving as chair. The regular term of service shall be two (2) years.

6.10.10.2. Charge: The Committee shall be responsible for periodically reviewing new programs, existing programs and significant changes to existing programs, and for developing, refining and recommending procedures and guidelines for the conduct of its work.

ART. V MEETINGS

The members of the Faculty shall meet at the call of the President of the University in informational, educational, or social sessions, but when so constituted shall not transact the business of the Faculty.

ART. VI AMENDMENTS

Section 1.

These By-laws may be amended by majority vote of the members of the Faculty voting in a referendum, provided that the amendment receives the written approval of the President of the University and the Board of Trustees.

Section 2.1.

When an amendment to this Handbook involves only procedural matters and does not involve a change in contractual matters, and is designated as such by the Faculty Senate and Administration, a unanimous vote of approval by the Faculty Senate, a quorum being present, will not require a referendum for that amendment except when it is otherwise specified in this Handbook.

Section 2.2.

A petition signed by twenty-five percent (25%) or more of the Faculty and presented to the Secretary of the Senate shall order a referendum on any specific Handbook change.

Section 3.

The Senate may order a referendum on any change in the Faculty Handbook.

Section 4.

When a referendum has been ordered, the Secretary of the Senate shall, within seven (7) days of such order, mail to each member of the Faculty a ballot on which shall appear the full text of the proposed amendment. Ballots shall be returned within ten (10) days after they are mailed.

Section 5.

The Secretary of the Senate shall prescribe a procedure for voting which shall insure the eligibility of voters and the secrecy of the ballots.

APPENDIX 1: GUIDELINES AND CRITERIA FOR EVALUATION

Section 1. SUGGESTED GUIDELINES FOR TENURE AND PROMOTION

1.1. A letter from a faculty member to the Dean requesting consideration for tenure and/or promotion will be attached to a current resume. In the application, the faculty member should include an updated resume or curriculum vitae and separately discuss and summarize the following areas: teaching effectiveness, professional development/scholarship, governance/University service/advising. The primary dossier should consist of a single 1-1/2 inch binder. Supplementary material is included in a separate binder or binders.

1.2. Introductory Narrative (limited to ten (10) pages) in which faculty members provide:

- A. Biographical account of teaching experience.
- B. Educational philosophy and teaching methods.
- C. Relationship of scholarly and/or research work to teaching.
- D. Candid assessment of effectiveness of teaching methods with Western New England University students.
- E. Plans for the future including development goals for teaching and scholarship and/or research.

1.3. Annual Self-Evaluations, Evaluations by Deans, Peer Review Committees, and Chairs.

1.3.1. Spreadsheet summaries of the results of student evaluations of teaching. (Actual evaluations to be made available under separate cover.) Reviewers will be able to reach less subjective judgments of teaching performance more accurately if student evaluation records are complete.

1.4. Faculty member's own interpretation of the student evaluation in order to provide the context necessary for accurate judgments.

1.5. Examples of course syllabi and exams from each of the different courses offered by faculty member.

1.6. Statement of faculty member's performance as an academic advisor, if applicable, including documentation if available, e.g., academic advising loads, letters from students, and any other documents which provide supporting evidence of performance.

1.7. Documentation of Professional Development, Scholarly Activity and/or Research: bibliographies, publications included under separate cover, papers invited and/or presented at professional conferences, reports of research projects, etc.

1.8. Statement of University service, contributions to governance, committee service, and other on-campus activities.

1.9. Statement indicating faculty member's understanding of the Mission of the University.

Section 2. SUGGESTED DATA

2.1. Data for each area of activity should include, but not be limited to, the following:

2.1.1. Teaching – List of courses taught, letters of recommendation that focus on the candidate's teaching effectiveness, summaries of teaching evaluations for each class taught in the previous five (5) years. Candidate who have been at the University for fewer than six (6) years shall submit all evaluations from their years of service.

2.1.2. Governance/University Service/Advising – A listing of activities in some logical order, with sufficient detail for reviewers to determine the level of effort and significant accomplishments. Complete committee reports are not suggested, although they may be included in the supplementary material. If applicable, the number of advisees for each year under consideration, and letters from students, as appropriate, should be included. Relevant community service is included in this area.

2.1.3. Professional Development/Scholarship – Papers published or presented should be listed. Proposals written for funding should be briefly described along with whether they were successful. Professional work performed, including new course development, significant course revisions, unpublished research, work on a funded proposal, or consulting, should be

listed with enough detail for any reviewer to ascertain the level of effort and the significance of the work. Letters of recommendation are suggested. Copies of published papers may be included, providing the space requirement is not exceeded. Other professional activities, as indicated in 5.(A)., should be explained and supported.

2.1.4. Supplementary material is optional. It consists of additional supporting evidence for the case made by the candidate in the primary dossier. It also should be divided into areas of activity (teaching, governance, etc.). The actual material included is up to the candidate, but items could include additional information (beyond summaries) about teaching evaluations, copies of proposals or research reports, or committee reports of some significance.

APPENDIX 2: PROCEDURES FOR FACULTY SEARCH AND RECRUITMENT AT WESTERN NEW ENGLAND UNIVERSITY

1. Formal Authority to Appoint Faculty

1.1. The authority to appoint faculty is delegated to the President of the University by the Board of Trustees. Appointments to the faculty are made with the recommendations of the appropriate faculty search committees and administrative principals. Searches are conducted in accordance with all State and Federal requirements. Permanent records of searches are kept in the relevant Dean's Office in compliance with Federal EEO regulations.

2. Tenure-Track Faculty Search and Appointment Procedures

2.0. Search procedures may begin when positions to be filled exist in the University Position Control Roster and are funded in the annual budget. Advertisements may be approved for new positions stipulating that they are conditional on budgetary approval.

2.1. Placement of Advertisements and Criteria for Selection

2.1.1. Positions shall be advertised in appropriate national or regional publications after the determination and approval by the Dean and Provost of position descriptions consistent with the needs of Colleges and Departments. Advertisements are placed by the Director of Human Resources and the CareerCenter after review and approval of the Dean of the College and the Provost, and the Chair of the Search Committee (the final ad copy should be made available to these individuals prior to publication). The criteria for the selection and judgment of candidates is to be determined jointly by the Faculty and Administration and approved by the Provost in writing prior to the placement of advertisements. The Chair of the Search Committee is also encouraged to identify, to forward advertisements to, and to make outreach efforts to appropriate affinity and/or diversity groups and committees associated with the relevant discipline(s) and/or the relevant professional

organization(s).

2.2. Receipt and Distribution of Candidate Application Materials

2.2.1. Candidates forward application materials to the Dean of the College in which the search is conducted. Materials are kept in the Deans' offices until the search is concluded. Copies of original documents are made for the use of Search Committees and are made available to Committee members in the Deans' offices. Appropriate materials are copied and distributed to administrative principals for use during formal interviews. All participants in search procedures observe strict rules of confidentiality in regard to application materials. Materials may not be circulated to persons not formally involved in search procedures. Original materials (resumes, letters of application, letters of reference, official transcripts) are kept in Deans' offices until the searches are concluded.

2.3. Acknowledgment and Maintenance of Records

2.3.1. Deans will acknowledge the receipt of applications and indicate to candidates what additional materials are needed, if any. Deans' secretaries will keep applicant logs for each search, containing applicant names, addresses, positions applied for, visits to campus, and final dispositions. Deans are responsible for notifications to unsuccessful candidates. Federal Law requires that original application materials of unsuccessful candidates be kept for six (6) months by the Dean's office. By University policy, however, materials are kept one (1) year and are then destroyed. Application materials of successful candidates are kept permanently in the Office of the President, with copies maintained in the relevant Dean's office.

2.4. Composition and Compliance

2.4.1. The initiative for recommending candidates for faculty appointment lies with Search Committees, consisting normally of three (3) faculty members from the appropriate discipline or department, and one (1) additional faculty member, preferably in a related discipline from outside the College and approved by the relevant Dean. Whenever possible, the Committee will consist of tenured faculty members who represent the diverse interests of the department. Department Chairs are responsible for the management of searches and for compliance with EEO requirements that document efforts made for the purpose of generating a diversity of candidates. Department Chairs are normally responsible for chairing Search Committees. In departments with several disciplines or programs, the responsibility for chairing a Search Committee may be delegated to a representative of the program or discipline. The composition, size, and membership of Search Committees are determined by academic members selected by departmental election.

2.4.2. Department Chairs are responsible for ensuring that each member of the Search Committee receives a copy of this appendix.

2.5. Application Materials and References

2.5.1. Formal letters of application are required, preferably long enough and sufficiently detailed to reveal candidates' writing abilities, educational backgrounds and philosophy, and interests in teaching.

2.5.2. A current and complete resume must be submitted.

2.5.3. Official transcripts of record are required for all work attempted and completed in higher education. Transcripts must be sent directly from the registrars of the candidates' institutions to the Dean of the College conducting the search. Copies of official transcripts may be sent for the use of Search Committees. Oral or written offers of appointment will not normally be made or sent until all official transcripts of record are on file and have been reviewed. However, when constraints of time dictate, offers may be made contingent upon receipt of satisfactory transcripts.

2.5.4. Applicants must submit a minimum of three (3) current letters of reference addressing professional abilities. Additional character reference letters are required if personal characteristics were not addressed by professional referees. Referees may address both, in which case separate letters are not required.

2.5.5. Search Committees should attempt to minimize the cost of searches by conducting conference or regular calls to applicants and referees where appropriate. Notes of calls and conversations are to be kept in candidates' files. All questions addressed either to candidates or referees must focus exclusively on matters relating to candidate selection criteria, educational

and professional experience, and other matters relevant to the applicants' suitability for the advertised position. Legislation prohibits discussions of personal matters such as place of residence (except in the case of foreign nationals), age, marital status, family, political preference, race, religion, handicap, and sexual orientation.

2.6. Invitations to Campus for Interviews

2.6.1. Candidates may be invited for campus interviews with the approval of Deans after initial screenings are concluded, appropriate materials are on file, appropriate telephone reference checks and conference calls have been made and documented, and travel funds are identified. The Chair of the Search Committee shall write a letter to the Chair of the Department and Dean outlining any efforts made to identify and recruit a diverse pool of candidates. Search Committee Chairs may extend invitations to candidates upon approval by Deans.

2.7. Arrangements for Campus Visits

2.7.1. Chairs of Search Committees are normally responsible for making the necessary arrangements for campus interviews. Arrangements include obtaining housing in the University guest house (if possible), providing all necessary transportation, arranging for meals, and preparing and distributing interview itineraries. Chairs should make efforts to arrange with candidates for the least expensive airline reservations and on-campus, or if necessary, other housing accommodations. Travel arrangements are to be made through the University contracted travel services.

2.8. On-Campus Visits

2.8.1. Candidates are to be interviewed, normally, by the Provost, Dean, Search Committee, and members of the Department. The President reserves the prerogative of participating in the interview process as time and circumstances allow. Candidates are to be asked to prepare for delivery a 25-30 minute demonstration classroom lecture or presentation (directed to an audience of students) open to members of the Department, interested students, and other interested members of the University Community. Search Committee members will meet with the candidate at a luncheon on campus. If candidates stay overnight, they may be accompanied for dinner by Chairs of Search Committees or their designates and one additional faculty member or administrator. The University reimburses for the cost of restaurant meals, but not for alcoholic beverages, which are deemed inappropriate in conducting official University business.

2.9. Selection Criteria for Candidates

2.9.1. Appointments to the rank of Assistant Professor and above require completion of the Ph.D. or an equivalent terminal degree. In exceptional circumstances candidates for tenure-track appointments who do not have terminal credentials may be given provisional appointments with conditions for permanent appointment indicated clearly in initial contract letters. Though candidate selection criteria are pre-authorized, selection is to be based primarily on judgments of candidates' teaching abilities, their willingness to be helpful to students, and their acceptance of the Mission of the University. Judgments of candidates' potential for scholarly research, and professional development are important in assessing candidates' currency in the appropriate discipline and their willingness to stay abreast of the discipline. It is the responsibility of all involved in the selection process to assess the match of candidates to the mission and culture of the University.

2.9.2. To be considered, also, are the candidate's general knowledge, ability, and interest in University governance. Search Committees are to consider, where appropriate within applicable legal guidelines, consistent with the University's Non-Discrimination Policy, the racial, ethnic and cultural diversity of the department in which the appointment is to be made. Western New England University is committed to the principle of equal opportunity in education and employment. The University does not discriminate on the basis of sex, race, color, creed, national origin, age, religion, sexual orientation, gender identity, gender expression, veteran status, genetics, or disability in admission to, access to, treatment in, or employment in its programs and activities. Departments should consider staffing profiles that are representative of University diversity goals so they may expose students to a faculty trained at various educational institutions with a broad range of professional and intellectual perspectives, and personal and educational backgrounds. Individual candidates are to be judged by their skills and qualifications with consideration given to their ability to contribute to the diversity of the department and University. Diversity and gender balance are to be achieved by insuring an applicant pool large and broad enough to contain qualified diversity applicants.

2.9.3. The Provost of the University reserves the prerogative to cancel a search or reject Committee and administrative

recommendations when applicant pools are not sufficiently diversified in all respects, as enrollment projections warrant, and as dictated by changes in annual budgets or University staffing needs. In circumstances where the latter conditions may apply, the advertisement must state that the position is subject to funding.

2.10. Decision to Hire

2.10.1. It is desirable, though not necessary, that at least three (3) qualified candidates be interviewed for each position. The decision by the President to hire follows recommendations by Search Committees, Department Chairs, Deans, and the Provost. Department Chairs submit written recommendations for appointment to Deans. Normally one (1) candidate is recommended. However, among equally qualified candidates more than one (1) name could be submitted by the Committee. Recommendations are to contain supporting documentation which includes reasons for the recommendation, and the concerns of dissenting Committee members. Deans and the Provost submit separate letters of recommendation which are forwarded to the President.

2.10.2. The President approves or rejects recommendations for appointment. In the event the President elects not to appoint recommended candidates, reasons for the rejection are given so far as doing so does not violate rules of confidentiality. Approvals result in the President's issuance of formal written contracts to successful candidates. Candidates must respond affirmatively in writing within fifteen (15) days of the issuance of the contract for appointments to be formally confirmed.

2.11. Contracts

2.11.1. All contracts are prepared for the signature of the President by the Provost in consultation with the Department Chairs and Deans. Official transcripts must be in hand before contracts can be issued. The contract will specify the following:

2.11.1.1. Position type (Tenure-Track, Professional Educator, Visiting, Rotating.)

2.11.1.2. Length of probationary period and date of potential tenure review, if any.

2.11.1.3. Academic rank at initial appointment.

2.11.1.4. Credit toward tenure and promotion for prior teaching and/or work experience. (Maximum one (1) year credit for each two (2) years of comparable teaching experience, or for each four (4) years of relevant work experience.)

2.11.1.5. Annual salary rate.

2.11.1.6. Any special appointment terms or conditions of appointment (degree completion requirements, additional education required, administrative responsibilities, etc.).

2.11.1.7. Faculty Handbook is included in contract by reference.

2.11.1.8. Requirement for attendance at New Faculty Orientation, Commencements, and other formal University events.

2.11.2. Contracts issued by the President officially confer faculty status on the appointees and, as such, welcome new faculty members to the University Community.

2.12. Full-Time Non-Tenure-Earning Faculty Appointments

2.12.1. The same procedures as above are followed with visiting and non-tenure full-time positions except that the Search Committees need not include a member from another College, and campus visits may not be required. If there are unusual circumstances or time constraints, classroom presentations may be omitted. As stated in Section 2.9.2. individual candidates are to be judged by their skills and qualifications, with consideration given to their ability to contribute to the diversity of the department and the University. Contracts will specify that appointments are non-tenure track and will state possible number of years for renewal as well as conditions for renewal: typically satisfactory performance reviews, adequate enrollments, and departmental needs.

2.13. Adjunct Faculty Appointments

2.13.1 Adjunct candidates must provide official transcripts and resumes indicating candidates' teaching experience (partly for the purpose of deciding compensation) prior to issuance of appointment letters. Department Chairs and the Deans may require that candidates submit additional materials prior to campus visits. Chairs must, and Deans may, interview candidates for adjunct positions. As stated in Section 2.9.2., individual candidates are to be judged by their skills and qualifications, with consideration given to their ability to contribute to the diversity of the department and the University. Contracts issued to Adjunct Faculty members are kept on file in Deans' Offices and in the Office of the Provost. The Provost must approve, each year, the Adjunct Faculty Salary Scale as well as ensure that salary assignments to adjuncts are made equitably across the Colleges and that adjuncts are positioned properly on the Salary Scale.

2.13.2 Adjunct faculty are also considered temporary employees. In order to define reporting parameters and benefit eligibility for this classification of employees, Western New England University has assigned the value of 2.5 work hours per credit hour. This valuation is a placeholder for the sole purpose of employee benefit calculations and Affordable Care Act compliance and is subject to change to ensure compliance with all current and future regulatory requirements.

2.14. Professional Meetings and Recruitment Travel

2.14.1. Deans and Chairs of the Search Committees will plan recruiting trips to appropriate meetings to interview potential candidates. The University does not cover expenses of additional Search Committee members who attend such meetings for the purpose of recruiting.

2.15. Applicant Access to Application Materials

2.15.1. Applicants may, under law, see all application materials including reference letters, unless applicants have waived such rights or referees have submitted in confidence. In these instances letters and notes of reference telephone conversations are held in strict confidentiality.

APPENDIX 3: FACULTY GRIEVANCE FORM

Name of Grievant _____

College _____ Department _____

NARRATIVE DESCRIPTION OF GRIEVANCE: (Use back side of form or additional 8-1/2”X 11” white paper)

DISPOSITION OF GRIEVANCE:

Department Chair _____ Date _____

Dean _____ Date _____

Provost _____ Date _____

Attachments: (Resolutions, Decisions, Appeals)

APPENDIX 4: SMOKE FREE CAMPUS POLICY

In compliance with Massachusetts Smoke-Free Workplace Law, M.G.L. Ch. 270 §22, the University prohibits the use of any smoking paraphernalia, including electronic cigarettes and/or vapor smoking devices, within 25 feet of any University building, its entrance or windows.

Furthermore, no smoking is permitted within any University building.

The University anticipates the full cooperation of its students, faculty, staff, vendors, and visitors as to their compliance with this policy.

APPENDIX 5: SUMMER RESEARCH GRANTS

5.1. Administration

5.1.1. Summer Research Grants are administered by the Faculty Affairs Committee of the Faculty Senate in coordination with the Provost. The Faculty Affairs Committee recommends budgetary allocation of the funds available for the year, evaluates application proposals for these grants, and recommends those to be supported. The evaluation process will involve Department Chairpersons to review the proposals submitted from faculty members from their Department and then rate the proposals on the basis of technical importance, quality of the proposal and its presentation, and relevance to the research plans of the department. The proposals and the department ratings will be sent electronically to the appropriate College Dean who will make a distributional rating on the basis of excellence of the proposal and the priorities for research. These ratings will be sent electronically to the Chairperson of the Faculty Affairs Committee, along with the proposals and the departmental ratings. The Committee will then review all proposals and ratings and submit a priority list to the Provost of the University as its recommendation for the acceptance of proposals.

5.2. General Information

5.2.1. Any faculty member is eligible to apply for the above grant, but the Committee will be especially sympathetic to requests from those who fit one (1) or more of the following categories:

5.2.1.1. Newly hired or junior faculty members who need assistance for research projects not sufficiently developed (in terms of the project, or the reputation of the investigator) to justify support from outside sponsors.

5.2.1.2. Experienced investigators who are in the process of developing a new project and who need assistance to try out their ideas before applying for major support elsewhere.

5.2.1.3. Faculty members who have been involved in research over several years and need additional support to obtain critical material or to finish their work for publication.

5.2.1.4. Investigators who want to work on a “small” project or who are engaged in work for which there would be difficulty in obtaining outside support because of limiting conditions such as the specialized nature of the research.

5.2.1.5. Requests for support to attend summer research institutes or other formal research or study programs. Support will vary according to the length of the institute and the amount of financial aid available to the applicant from the sponsor of the program.

5.2.2. Although there is no restriction on the number of awards an individual may receive over the years, it should be understood that if funds are inadequate, all other factors being equal, preference will be given to those who have not received awards previously. The Committee will accept proposals for renewal of projects

5.2.2.1. These grants are not to be used for the support of advanced degree theses nor for their publication.

5.3. Procedure for Submitting Proposals

5.3.1. Submit the Summer Research Grant proposal electronically to the Department Chairperson for approval which will be subsequently forwarded electronically to the appropriate Dean. The process proceeds, independent of the applicant, as indicated in 5.1.

5.3.2. The following time table should be adhered to:

Proposals to Chairperson Prior to the first Friday in November

Ratings to Dean Prior to the last Monday in November

Ratings and Proposals sent electronically to the Chair of the Faculty Affairs Committee Prior to the second Monday in January

Priority List to Provost Prior to the second Monday in February

Announcement of Summer Research Awards Prior to the first Monday in March

5.3.3. The applicant is responsible for insuring that the signature page is sent to the Chair of the Faculty Affairs Committee prior to the second Monday in January.

5.4. Stipend

5.4.1. One of the objectives of the Summer Research Grants is to allow individual faculty members the ability to pursue scholarly research without the financial exigency of pursuing other efforts during the summer months. Consequently, the normal stipend will be in the range of \$2,000 to \$4,000 dependent on the amount of time that is committed to the summer research project.

5.5. Understandings

5.5.1. Recommendations for Summer Research Grants are made with the following understandings. Acceptance of the award includes acceptance of these understandings.

5.5.1.1. The primary purpose of the research grant is to further the professional development of the recipient.

5.5.1.2. Research grants are awarded to faculty members of the University. Acceptance signifies intent to continue at the University for the following academic year.

5.5.1.3. The University exercises no direction or supervision over the details of the research to be performed, but it does require adherence to the original objectives and purposes of the research. It also requires that a final written report describing their activities and results be submitted electronically to the Chair of the Faculty Affairs Committee no later than ninety (90) days after the termination date of the grant. Each grantee is requested to furnish one (1) copy of any resulting papers, books or other publications to the University Library through the Faculty Affairs Committee.

5.5.1.4. Every publication directly resulting from a research grant will carry an acknowledgment stating that the research was carried out with the support of the Western New England University Research Fund.

5.5.1.5. Unless arrangements to the contrary have been included in the proposal as accepted, financial income derived from the project will be returned to the University up to the amount of the award. This is not meant to conflict with University policies on patents, copyrights and publishing.

5.5.1.6. It is expected that a recipient will devote a large part of the summer period to the purpose of the grant, and no other effort, such as teaching or sponsored research, will be undertaken. Persons employed under a twelve (12)-month contract applying for a summer grant will not receive a stipend in addition to their regular salary.

5.6. Proposed Research

5.6.1. The project you propose should be limited in scope so that adequate progress may be expected within the time and budget limitation of the grant.

5.6.2. The proposal should be presented with adequate literature references so that members of the Committee will be able to form an opinion on soundness.

5.6.3. It is highly advisable to indicate how the proposed work will benefit your undergraduate and/or graduate teaching, and whether or not it will involve undergraduate and/or graduate research participation.

5.6.4. Insofar as possible, describe the initial plan of attack on the problem.

5.6.5. Applications for renewals will be accepted. Renewal applications must be accompanied with a progress report of the previous year's work.

5.6.6. Furnish the names of two (2) experts in the field of the proposed research. When necessary, the Committee may request the opinions of experts in order to fully evaluate the soundness of the proposed work.

5.6.7. Furnish the name of one (1) person who is familiar with your research ability.

5.6.8. Submit the proposal electronically according to the procedure outlined herein.

5.6.9. At the close of the Grant period, an electronic report describing the activities and results must be submitted to the Chair of the Faculty Affairs Committee.

5.7. Budget

5.7.1. Present your budget according to the approved format.

WESTERN NEW ENGLAND UNIVERSITY
Springfield, Massachusetts

Summer Research Proposal Submitted for Consideration for a Grant from the University, administered by the Faculty Affairs Committee of the Faculty Senate.

Principal Investigator: _____

Title of Proposed Research: _____

Support requested for the period: _____ to _____

Percent of Time to be Devoted to Project: _____

Other Professional Activities during Grant period: _____

Has this proposal been submitted to any extra-mural granting agency? _____

If yes, what is the present status of the proposal?

SIGNATURES

Grant Applicant: _____ Date: _____

Department Chairperson: _____ Date: _____

Dean of College: _____ Date: _____

Chair, Faculty Affairs: _____ Date: _____

Provost of University: _____ Date: _____

BIOGRAPHICAL INFORMATION

1. NAME (Last, First, Middle Initial)
2. TITLE (Rank and date acquired) Department
3. DATE JOINED WNE
- EDUCATION AND LOCATION DISCIPLINE DEGREE YEAR
4. HONORS
5. LIST YOUR RELEVANT PUBLICATIONS
6. PROFESSIONAL AND/OR RESEARCH EXPERIENCE (Including Postdoctoral)
7. STATEMENT OF PROBLEM (Including Significance)
DESCRIPTION OF PROPOSED RESEARCH PROCEDURES
8. LITERATURE REFERENCES
9. BENEFITS EXPECTED (Who Would Benefit, Why, When, etc.)
10. INDICATE PLANS FOR SUBMISSION OF THIS PROJECT TO THE OUTSIDE AGENCIES
11. RESEARCH SUPPORT – CURRENT AND PENDING (Amount and Dates)
12. PREVIOUS FACULTY RESEARCH GRANTS (Date, Title, and Amount)
13. RESULTS OBTAINED ON PREVIOUS FACULTY RESEARCH GRANTS

WESTERN NEW ENGLAND UNIVERSITY
Springfield, Massachusetts

Summer Research Proposal for Consideration for a Grant from the University, administered by The Faculty Affairs Senate Committee. Please attach additional page(s), as necessary, in order to address the grant proposal requirements (see Faculty Handbook, Appendix 5: Summer Research Grants).

Grant Applicant: _____

Rank and Title: _____ Date Joined WNE: _____

Department: _____

RESEARCH PROJECT TITLE: _____

TOTAL AMOUNT REQUESTED: _____

Proposal Overview/Summary:

WESTERN NEW ENGLAND UNIVERSITY
Springfield, Massachusetts

Grant Applicant: _____

Department: _____

SUMMER RESEARCH PROPOSAL
EVALUATION/RECOMMENDATION STATEMENT

The Faculty Affairs Senate Committee requests electronic statements from both the appropriate Department Chair(s) and Dean accompany each electronic grant proposal submitted for review. This statement should address: the feasibility of the project; how the project relates to the development of the faculty member submitting the proposal; how the project serves to help meet the goals of the department/college/university; and overall benefits resulting from the funding of the proposal.

Department Chair/Dean: _____ Date: _____

BUDGET

- | | |
|---|-------|
| 1. Expendable supplies: chemicals, glassware,
Equipment, paper, etc. | _____ |
| 2. Capital equipment | _____ |
| 3. Services: secretarial, research assistants, etc. | _____ |
| 4. Travel: field work, library connected travel, etc. | _____ |
| 5. Stipend | _____ |
| 6. Other (explain) | _____ |
| TOTAL | _____ |

FORMAT FOR REPORT ON FACULTY RESEARCH GRANTS

Date: _____

1. Project title
2. Name and department of person reporting
3. Other personnel and departments cooperating on project
4. Amount of fund granted
5. Nature of research *
6. Principal results *
7. Publications or manuscripts prepared

(One copy of any subsequent publication will be furnished to the Faculty Affairs Committee for forwarding to the College Library).

8. Signature of investigator

* In making this report, please remember that most of the members of the Committee are not specialists in your field.

APPENDIX 6: FACULTY DEVELOPMENT GRANTS

6.1. Call for Grants

6.1.1. The Faculty Affairs Committee is calling for Faculty Development Grant Proposals for the current academic year. Any tenured or tenure-track faculty member or faculty member having Professional Educator status is eligible to apply. Proposals will be accepted and reviewed once during the year; submission deadline is the first Friday of November for projects to be completed during the regular academic year or during the summer. The applicant should forward an electronic version of the proposal to his/her Department Chair, Dean and to the Chair of the Faculty Affairs Committee by the aforementioned deadlines. The Department Chair's and Dean's statements must be forwarded electronically, as an attachment to the individual proposal, to the Chair of the Faculty Affairs Committee by the third Monday in November. The applicant is responsible for insuring that the signature page is sent to the Chair of the Faculty Affairs Committee by that date as well.

6.1.2. As indicated above, the Committee will review proposals and make funding recommendations to the Provost annually. The primary purpose of a Faculty Development Grant is to further the professional development of the recipient. Proposals should include information illustrating how the proposed work will serve to support the Mission Statement and Core Values of the University. Grant recipients are required to submit a written report of their activities and results concerning their Faculty Development Grant project to the Chair of the Faculty Affairs Committee prior to the beginning of the next academic year. When appropriate, grant recipients are required to give a formal presentation by participating in either the Faculty Development Lecture Series or another appropriate forum.

6.2. Administration

6.2.1. Faculty Development Grants are administered by the Faculty Affairs Committee of the Faculty Senate in conjunction with the Provost. The Committee recommends the amount of resources to be allocated to the Faculty Development Fund, evaluates application proposals for these grants, and recommends those to be supported. The proposal evaluation process involves Department Chairs and Deans reviewing in writing, those proposal(s) submitted by members within their departments and colleges, respectively. These recommendation and evaluation statements must be sent electronically, as an attachment to the individual proposals, to the Chair of the Faculty Affairs Committee. The Committee will review the submitted proposals and all supporting documents, and make recommendations for financial support to the Provost.

6.3. General Information

6.3.1. Any tenured or tenure-track faculty member or a faculty member having Professional Educator status is eligible to apply for a Faculty Development Grant. The Primary purpose of a Faculty Development Grant is to further the professional development of the recipient. Proposals should include information illustrating how the proposed work will serve to support the Mission Statement and Core Values of the University. In general, proposals eligible for support by Faculty Development funds fit one (1) or more of the following categories:

6.3.1.1. Requests for support, especially from beginning faculty members, to gain knowledge and experience in various modes of instruction within their discipline;

6.3.1.2. Requests for support to attend seminars, workshops, mini-courses, and/or institutes;

6.3.1.3. Requests for support to gain experience and/or education in non-traditional modes of instruction within their discipline;

6.3.1.4. Requests for support to gain experience and/or education in the use of technology in instruction.

6.3.1.5. Requests for support to perform research regarding student learning within the discipline.

6.3.2. While new course development may be a by-product of professional development, it is not the primary focus. Faculty wishing to develop courses for which specific initiatives exist should seek funding from the resources specifically allocated for these activities.

6.3.3. Although there is no restriction on the number of awards an individual may receive over the years, it should be understood that if funds are insufficient to support all recommended requests, all other factors being equal, preference will be given to those who have not received support previously.

6.3.4. These grants are neither to be used for the support of advanced degrees nor to be used support research efforts within the discipline other than what is described above.

6.4. Procedure for Submitting Proposals

6.4.1. The Committee will accept and review proposals annually. The applicant should forward an electronic version of the proposal to his/her Department Chair, Dean and to the Chair of Faculty Affairs Committee by the first Friday of November for projects to be completed during the regular academic year or during the summer. The Department Chair and Dean should review the proposal(s) and forward their recommendations and evaluation statements electronically, as an attachment to the individual proposals, to the Chair of the Faculty Affairs Committee by the third Monday of November. The applicant is responsible for insuring that the signature page is sent to the Chair of the Faculty Affairs Committee by that date as well.

6.5. Support

6.5.1. The support of accepted proposals may take on various forms: teaching/laboratory materials, travel costs, registration costs, and/or a stipend.

6.6. Understandings

6.6.1. Recommendations for Faculty Development Grants are made with the following understandings. Acceptance of the award includes acceptance of these understandings:

6.6.1.1. The primary purpose of the grant is to further the professional development of the recipient. The project should also serve to assist in the realization of the University's strategic initiatives.

6.6.1.2. Acceptance signifies intent to continue at the University for the following academic year.

6.6.1.3. The University requires adherence to the proposal's original objectives.

6.6.1.4. Grant recipients are required to electronically submit a written report of their activities and results concerning their Faculty Development Grant project to the Chair of the Faculty Affairs Committee prior to the beginning of the next academic year. When appropriate grant recipients are required to give a formal presentation by participating in either the Faculty Development Lecture Series or another appropriate forum;

6.6.1.5. Any financial income derived from the experience will be returned to the University, up to the amount of the award.

6.7. Proposal Format

6.7.1. An appropriate title/summary page and a signature page (see formats below) must be attached to each proposal. The proposal should also include the following information:

6.7.1.1. Project rationale, significance, and how it will contribute to the professional development of the faculty member;

6.7.1.2. Relevance to the Western New England University Mission Statement and Core Values;

6.7.1.3. Goals and objectives of the project;

6.7.1.4. Methods to be employed;

6.7.1.5. Relevant qualifications of the grant applicant;

6.7.1.6. A detailed budget clearly outlining anticipated project expenses including stipend;

6.7.1.7. Current and pending supplementary support (grants, release time, etc.);

6.7.1.8. Previous Western New England University grants (previous three (3) years);

FACULTY DEVELOPMENT GRANT PROPOSAL
WESTERN NEW ENGLAND UNIVERSITY

Faculty Development Proposal for Consideration for a Grant from the University, administered by the Faculty Affairs Committee of the Faculty Senate. Please attach additional page(s), as necessary, in order to address the grant proposal requirements, as stated in Appendix 6, Section 6.7 of the Faculty Handbook. Failure to do so will cause the proposal to be unacceptable for review by the committee.

Grant Applicant _____

Department _____

Rank and Title _____ Date Joined WNE _____

Project Title _____

Total Amount Requested _____

Proposal Overview / Summary:

WESTERN NEW ENGLAND UNIVERSITY

Grant Applicant _____

Department _____

FACULTY DEVELOPMENT PROPOSAL – EVALUATION/RECOMMENDATION
STATEMENT

The Faculty Affairs Committee requests that an electronic statement from both the appropriate Department Chair(s) and Dean accompany each grant proposal submitted electronically for review. This statement should address: The feasibility of the project; how the project relates to the development of the faculty member submitting the proposal; how the project serves to help meet the goals of the department/college/university; and overall benefits resulting from the funding of the proposal.

Department Chair / Dean _____ Date _____

WESTERN NEW ENGLAND UNIVERSITY

Grant Applicant _____

Department _____

Project Title _____

SIGNATURES

Grant Applicant _____ Date _____

Department Chair _____ Date _____

Dean _____ Date _____

Chair, Faculty Affairs _____ Date _____

Provost of University _____ Date _____

APPENDIX 7: CURRICULUM AND COURSE DEVELOPMENT GRANTS

7.1. Call for Grants

7.1.1. The Faculty Affairs Committee is calling for Curriculum and Course Development Grant Proposals for the current academic year. Any tenured or tenure-track faculty member or faculty member having Professional Educator status is eligible to apply. Proposals will be accepted and reviewed once during the year; submission deadline is the first Friday of November for projects to be completed during the regular academic or during the summer. The applicant should forward an electronic version of the proposal to his/her Department Chair, Dean and to the Chair of Faculty Affairs Committee by the aforementioned deadline. The Department Chair's and Dean's statements must be electronically forwarded, as an attachment to the individual proposal, to the Chair of Faculty Affairs by the third Monday in November. The applicant is responsible for insuring that the signature page is sent to the Chair of the Faculty Affairs Committee by that date as well.

7.1.2. As indicated above, the committee will review proposals and make funding recommendations to the Provost annually. The committee will accept for review proposals that will result in significant curricular and/or course development. Additionally, proposals should include information illustrating how the proposed work will serve to support the Mission Statement and Core Values of the University. Grant recipients are required to submit a written report of their activities and results concerning their Curriculum and Course Development project to the Chair of the Faculty Affairs Committee prior to the beginning of the next academic year.

7.2. Administration

7.2.1. Curriculum and Course Development Grants are administered by the Faculty Affairs Committee of the Faculty Senate in conjunction with the Provost. The committee recommends the amount of resources to be allocated to the Curriculum and Course Development Fund., evaluates application proposals for these grants, and recommends those to be supported. The proposal evaluation process involves Department Chairs and Deans reviewing in writing, those proposal(s) submitted electronically by members within their departments and Colleges, respectively. These recommendation and evaluation statements will be sent electronically, as an attachment to the proposals received, to the Chair of the Faculty Affairs Committee. The Committee will review the submitted proposals and all supporting documents and make recommendations for financial support to the Provost.

7.3. General Information

7.3.1. Any tenured or tenure-track faculty member or a faculty member having Professional Educator status is eligible to apply for a curriculum and Course Development Grant. The Subcommittee will accept proposals that will result in significant curricular and/or course development that is encouraged by the appropriate administration. Additionally, each proposal should include information illustrating how the proposed work will serve to support the Mission Statement and Core Values of the University. In general, proposals eligible for support by Curriculum and Course Development funds fit one (1) or more of the following categories:

7.3.1.1. Requests for support of significant curriculum development;

7.3.1.2. Request for support to develop inter-disciplinary curriculum;

7.3.1.3. Requests for support when new course development leads to professional development of the faculty member;

7.3.1.4. Requests for support to develop new programs.

7.3.2. Although there is no restriction on the number of awards an individual may receive over the years, it should be understood that if funds are insufficient to support all recommended requests, all other factors being equal, preference will be given to those who have not received support previously.

7.3.3. These grants are not to be used for the support of advanced degrees nor to support research efforts within the discipline other than what is described above. Research activities, other than those described above, may be eligible for funding through other programs.

7.4. Procedure for Submitting Proposals

7.4.1. The committee will accept and review proposals annually. The applicant should forward an electronic version of the proposal to his/her Department Chair, Dean and to the Chair of Faculty Affairs Committee by the first Friday of November for projects to be completed during the regular academic year or the summer. The Department Chair and Dean should review the proposals(s) and forward their recommendations and evaluation statements electronically, as an attachment to the individual proposals, directly to the Chair of the Faculty Affairs Committee by the third Monday in November. The applicant is responsible for insuring that the signature page is sent to the Chair of the Faculty Affairs Committee by that date as well.

7.5. Support

7.5.1. The support of accepted proposals may take on various forms: travel costs, registration costs, and/or a stipend.

7.6. Understandings

7.6.1. Recommendations for Curriculum and Course Development Grants are made with the following understandings. Acceptance of the award includes acceptance of these understandings:

7.6.1.1. The primary purpose of the grant is for significant curriculum and/or course development;

7.6.1.2. Acceptance signifies intent to continue at the University for the following academic year;

7.6.1.3. The University requires adherence to the proposal's original objectives;

7.6.1.4. Grant recipients are required to submit a written report of their activities and results concerning their Curriculum and Course Development Grant project to the Chair of the Faculty Affairs Committee prior to the beginning of the next academic year.

7.6.1.5. Any financial income derived from the experience will be returned to the University, up to the amount of the award.

7.7. Proposal Format

7.7.1. An appropriate title/summary page and a signature page (see formats below) must be attached to each proposal. The proposal should also include the following information:

7.7.1.1. Project rationale, significance, and how it will contribute to the professional development of the faculty Member;

7.7.1.2. Relevance to the Western New England University Mission Statement and Core Values;

7.7.1.3. Goals and objectives of the project;

7.7.1.4. Methods to be employed;

7.7.1.5. Relevant qualifications of the grant applicant;

7.7.1.6. A detailed budget clearly outlining anticipated project expenses including stipend;

7.7.1.7. Current and pending supplementary support (grants, release time, etc.);

7.7.1.8. Previous Western New England University grants (previous three (3) years).

CURRICULUM AND COURSE DEVELOPMENT GRANT PROPOSAL
WESTERN NEW ENGLAND UNIVERSITY
Springfield, Massachusetts

Curriculum and Course Development Proposal for Consideration for a Grant from the University administered by the Faculty Affairs Committee of the Faculty Senate. Please attach additional page(s), as necessary, in order to address the grant proposal requirements, as stated in Appendix 7, Section 7.7 of the Faculty Handbook. Failure to do so will cause the proposal to be unacceptable for review by the committee.

Grant Applicant: _____

Department: _____

Rank and Title _____ Date Joined WNE: _____

Project Title _____

TOTAL AMOUNT REQUESTED: _____

Proposal Overview / Summary:

WESTERN NEW ENGLAND UNIVERSITY
Springfield, Massachusetts

Grant Applicant: _____

Department: _____

CURRICULUM AND COURSE DEVELOPMENT PROPOSAL –
EVALUATION/RECOMMENDATION STATEMENT

The Faculty Affairs Committee requests that an electronic statement from both the appropriate Department Chair(s) and Dean accompany each grant proposal submitted electronically for review. This statement should address: the feasibility of the project; how the project relates to the development of the faculty member submitting the proposal; how the project serves to help meet the goals of the Department/College/University; and overall benefits resulting from the funding of the proposal.

Department Chair / Dean: _____ Date: _____

WESTERN NEW ENGLAND UNIVERSITY
Springfield, Massachusetts

Grant Applicant: _____

Department: _____

Project Title: _____

SIGNATURES

Grant Applicant: _____

Date: _____

Department Chair: _____

Date: _____

Dean: _____

Date: _____

Chair, Faculty Affairs: _____

Date: _____

Provost of University: _____

Date: _____

APPENDIX 8:

DISCRIMINATION/HARASSMENT/SEXUAL MISCONDUCT /TITLE IX POLICY AND PROCEDURES

Introduction

Western New England University is committed to the principle of equal opportunity in education and employment. The University prohibits discrimination against any employee, applicant for employment, student or applicant for admission on the basis of any protected class. Protected classes include: age, color, creed, disability, ethnicity, gender identity, gender expression, genetics, national origin, pregnancy, race, religion, ancestry, sex, sexual orientation, genetics, active military or veteran status or any other protected category under applicable federal and state or local law.

The University provides equal access and participation in all University activities without regard to sex. Sexual misconduct including sexual harassment, sexual assault and sexual exploitation are forms of sex discrimination and prohibited under Title IX of the Higher Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and Chapters 151B and 151C of the Massachusetts General Laws. If this conduct occurs off campus, it may fall under the purview of Title IX and Title VII and the University reserves the right to act on incidents occurring off campus.

In addition to the above mentioned regulations, the University also complies with the Violence Against Women Reauthorization Act of 2013 (VAWA)¹, The Clery Act² and The Campus SaVE Act³.

Because the University takes allegations of discrimination/harassment seriously, the University will respond promptly to complaints of discrimination/harassment and will take appropriate action where it is determined that such inappropriate conduct has occurred. Furthermore, the University will act promptly to eliminate the conduct and impose such corrective action and sanctions as necessary.

This policy applies to any individual of either sex who participates in the University community as a student, faculty, staff member, visitor or any other persons having dealings with the institution."

The Assistant Vice President/Director of Human Resources serves as the EEO Officer and ADA 504 Coordinator and oversees the University's compliance efforts with discrimination and equal opportunity.

The General Counsel serves as the Title IX Coordinator and oversees the University's compliance efforts with harassment and sexual misconduct.

Internal inquiries or reports about violations of this policy may be made to:

Title IX Coordinator

Cheryl Smith
General Counsel and Title IX Coordinator
Deliso Hall, Room 102
(413) 782-1542
csmith@wne.edu

ADA/504 Coordinator, Equal Employment Opportunity Officer

Joanne Ollson
Assistant Vice President and Director of Human Resources
Rivers Hall, Room 104
(413) 782-1343

Deputy Title IX Officers

Sean Burke- Student Affairs
Associate Director of Residence Life for Operations
St. Germain Campus Center, Room 222
(413) 782-1316
sean.burke@wne.edu

Lori Mayhew- Athletics

Alumni Healthful Living Center, Room 105B
Assistant Director of Athletics/Equipment Director/Softball Coach
(413) 796-2227
lori.mayhew@wne.edu

Inquiries may be made externally to Office for Civil Rights (OCR)

US Department of Education 400 Maryland Ave SW Washington, DC 20202-1100
Customer Service Hotline # (800) 421-3481
Facsimile (202) 453-6012
TDD# (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Boston Office-EEOC
John F. Kennedy Federal Building 475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
Fax: 617-565-3196
Complaints can be filed Monday through Friday, from 8:30am to 3:00 pm.

Massachusetts Commission Against Discrimination (MCAD)
436 Dwight Street, Room 222
Springfield, MA 01103

Accommodation of Disabilities

The University is committed to full compliance with the American with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against qualified persons with disabilities.

The Assistant Vice President of Human Resources has been designated as the ADA/504 Coordinator for the University, responsible for coordinating efforts to comply with all disability laws.

Employees requesting reasonable accommodation should complete the ADA Accommodation Request Form found on the Human Resources web page at: http://www1.wne.edu/assets/45/ADA_Accommodations.pdf

Students requesting accommodation should contact the Office of Student Disability Services located in Herman Hall, Room 105.

Prohibited Conduct

Discrimination and Harassment⁴

Harassment constitutes a form of discrimination that is prohibited by law. Members of the Western New England University community, guests and visitors have the right to be free from discrimination and harassment. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the right of others. The University supports a zero tolerance approach to discrimination and harassment and complies with all applicable federal and state laws.

Sexual Misconduct

A violation of this policy may occur if one party engages in sexual activity with another party without consent.⁵ In order for individuals to engage in sexual activity of any kind with each other, there must be clear knowing and voluntary consent prior to and during sexual activity. Effective consent means that a person is able to make free, informed, and reasonable choices and decisions, and is not incapacitated by intoxication or other drug consumption (be it voluntary or otherwise), by disability, or by fear. Consent is effective when it has been clearly communicated. Consent may never occur if a person is unconscious, unaware, or otherwise physically helpless.

Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion occurs when someone is pressured for sex.

In short, consent must include explicit communication and mutual approval of the sexual activities in which the parties are involved. For consent, individuals involved in the sexual activity must willingly and knowingly engage in the activity. As a result, consent cannot be given due to physical force, intimidating behavior, threats, or coercion. Engaging in sexual activity with someone through force, intimidation, threats, or coercion is a violation of this policy. Further consent cannot be given by an individual who is incapacitated. For example, consent cannot be given by those incapacitated by alcohol or drugs, or by individuals who are unconscious. Knowingly engaging in sexual activity with someone who is incapacitated or who otherwise cannot give explicit consent is a violation of this policy. Sexual misconduct offenses include but are not limited to, sexual harassment, sexual assault, and sexual violence as defined below.

Sexual Harassment

The Western New England University community defines sexual harassment as:

- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- has the effect of unreasonably interfering with, denying or limiting someone's ability to participate in or benefit from the university's educational program and/or activities, and is based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation. In Massachusetts, the legal definition for sexual harassment is: sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
 - (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
 - (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive environment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment. Sexual harassment can involve a male harasser and female victim, female harasser and male victim, or parties of the same gender. Sexual harassment can also take place on the basis of gender identity or sexual orientation.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

Western New England University recognizes that our community is not limited to our physical campus and includes "online" and "offline" interactions and postings.

The University, in compliance with the Violence Against Women Reauthorization Act Of 2013 also prohibits conduct as follows:

Sexual Assault:

The term 'sexual assault' means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent⁶.

Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.⁷

Domestic Violence⁸:

Domestic violence means a felony or misdemeanor crime of violence committed by the victim's current or former spouse, current or former cohabitant, persons similarly situated under domestic or family violence laws, or anyone else protected under domestic or family violence laws.

Dating Violence⁸:

Dating violence means violence by a person who has been in a social, romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency or interaction.

Stalking⁸:

Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.

Other Offenses (that may fall under Title IX as prohibited)

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
- Demonstrating abusive behavior toward another person, including but not limited to verbal or written statements including Internet/electronic communications (that is not speech or conduct otherwise protected by the 1st Amendment).

Retaliation

Any retaliation against an individual who has complained about discrimination, harassment or retaliation against individuals for cooperating with an investigation of a discrimination/harassment complaint is unlawful and will not be tolerated.

Remedial Action

The University reserves the right to take whatever remedial measures it deems necessary in response to allegations of discrimination, harassment or retaliation in order to protect the rights and personal safety of community members. Such measures include but are not limited to, modification of living/academic arrangements, escort services, no contact orders, interim suspension, reporting the matter to campus and/or local police.

Reporting

There are three federal laws that establish responsibilities for employees of universities to report certain types of crimes and incidents, especially sexual misconduct: the Clery Act, Title IX of the Higher Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964. Each of these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term “responsible employees.”

The University has defined all employees, both faculty and staff, as responsible employees (except for health care professionals and any other individuals who are statutorily prohibited from reporting). When an employee becomes aware of an alleged act of sexual harassment, sexual misconduct discrimination, sexual assault, domestic violence, dating violence, or stalking, the employee must promptly contact the Title IX Coordinator or one of the Deputy Coordinators. The Coordinator or Deputy will use the Complaint Reporting Form ([see Attachment](#)) when gathering the initial information. If the complainant does not want to meet with the Title IX Coordinator or Deputy the employee receiving the complaint should print the form and complete with the complainant. The printed form should be hand delivered to the Title IX Coordinator and not sent electronically or through regular campus mail.

If an employee thinks that a complainant may report an act of sexual misconduct, the employee should inform the complainant that the University will maintain the privacy of the information to the greatest extent practicable. The employee may be required to report the act and reveal the names of the parties involved. If the complainant wishes to proceed, the employee should inform the complainant of the implications of sharing the names of the parties involved, which puts the University on notice.

If the complainant decides not to share the information with the employee, the employee should refer the complainant to resources on campus who have the ability to maintain confidentiality by virtue of their role. These on-campus resources include the Counseling Center, Health Services and Spiritual Life. Spiritual counselors, professional medical care providers, mental health providers, and those who report to them are under no obligation to report any details to the Title IX Coordinator. Non-professional counselors are not required to report incidents of sexual violence in a way that identifies the victim without the victim’s consent. If the complainant shares the information but indicates they will not participate in the investigative process, the employee must report this information to the Title IX Coordinator.

On-campus resources are available to members of the campus community. There are a number of off campus resources that complainants can be referred to as well. All complainants should be given a copy of the Harassment, Discrimination and Retaliation Reporting Pamphlet and the Emergency Information and Resources document.

Investigation

When the University receives a complaint, it will promptly investigate the allegation in a fair and expeditious manner. In compliance with OCR guidelines, the University will complete all investigations within a 60 business day time period which can be extended for appropriate cause by the Title IX Coordinator. At the close of the investigation, the Title IX Coordinator will report that a) the case should proceed under this policy; b) the case should proceed under other student/faculty disciplinary policy; or c) no further action is warranted.

Prior to any hearings, the investigator will interview all parties and witnesses, compile statements, verify statements, gather documentation, review evidence, conduct research and draft a report to submit to the governing disciplinary board (students) or hearing committee (faculty, staff) if one has been convened.

If a student/employee who is party to a Title IX Investigation chooses legal counsel as an advisor, all communication as to process and procedures relevant to the University’s investigation and hearing process will be communicated directly to the party’s legal counsel by the office of the General Counsel of the University.

Resolution, Disciplinary Action and Sanctions

Informal Resolution- Some claims of discrimination and harassment may be resolved informally, these claims do not include incidents of sexual violence. Some examples of informal resolutions include:

- Mediation between the complainant and respondent; and
- Conducting educational programs for groups or individuals.

The purpose of informal resolution is to implement an appropriate solution acceptable to all parties concerned. The Title IX Coordinator will work with the Complainant and Respondent to reach an informal resolution. If the Respondent is a faculty member the Dean of the respective School will participate in the resolution process. At the conclusion of the informal process a memorandum of understanding will be signed by both parties.

In the event that the informal process does not achieve resolution of the issue, the formal resolution process will be implemented.

When the Respondent is a student the procedure for Resolution of Claims outlined in the Student Code of Conduct will apply (<http://www1.wne.edu/student-activities/doc/handbook-2016-2017-final1.pdf>).

Formal Resolution

When a complaint is resolved through formal resolution, a Discrimination/ Harassment Hearing Committee will be convened. The Committee will consist of five (5) members of the Western New England community appointed by the President to serve two- year terms. Quorum will be 3 members. The Committee will be comprised of two (2) tenured faculty members referred to the President by the University Senate, one (1) non-exempt staff, one (1) exempt staff, all from different departments. Non-exempt and exempt staff will be selected by the President in consultation with the Assistant Vice President and Director of Human Resources. Replacement of faculty representatives on the Committee will be made by the University Senate. The President will designate a Chair of the Committee, based on such considerations as experience, continuity, and sensitivity to the concerns of those affected by the discrimination/harassment.

At any given time, there should be no more than three (3) persons of the same gender on the Committee. Two (2) additional members who are students will sit on the Committee when a complaint directly involves a student. For complaints involving graduate students, pharmacy students or law students, at least one (1) of the two (2) student members of the Committee will be a graduate student, law student, or pharmacy student as appropriate to the case. Student Committee Members can serve no more than two (2) consecutive one-year terms and will be recommended by the Student Senate Governing Boards.

Initiation of the Hearing Procedure

A copy of the complaint along with the investigator's report will be delivered to the Chair of the Committee. The investigator's report will include the respondent's response, witness statements, and all other relevant information documented during the investigation.

Within 10 days of receiving the information, the Chair of the Committee will send a list of Committee members to both the complainant and respondent. Either party may challenge any member's eligibility for cause in writing to the Chair, within two (2) working days of receiving the list. Any such challenge will be ruled upon by the Chair of the Committee. Any Committee member with previous knowledge of the incident will present that information to the Committee chair. If the Chair is released by challenge or disqualification, the Committee will elect a Chair, pro tempore. If by challenge, disqualification or unavailability, fewer than three (3) members of the Committee remain eligible, another member will be appointed by the President pro tempore.

No hearing will be held without the parties being given at least seven (7) calendar day notice. Each party may be accompanied during each session by one (1) advisor. If the advisor is an attorney, the advisor must be informed that they are not acting as legal counsel or advocate. The advisor will not participate in the session, but may observe and consult freely with the person whom they are advising.

Any party who is part of a Title IX proceeding may seek assistance from an advisor of the party's choice who is either a member of the University community (current student, alumnus, faculty member, or staff), family member, or legal counsel. The advisor's role is to provide clarification as to process and procedure, and offer general support to the party. The advisor's role is not to defend, speak on behalf of or otherwise advocate on behalf of, a complainant or respondent.

Advisors are permitted to attend meetings and hearings, but may not speak during a hearing. A Hearing Officer, at his/her discretion, may seek out clarification from an advisor. Advisors are not permitted to question any witnesses prior to or during a hearing. If an advisor has first- hand information as to an incident or situation, the advisor may provide a written statement to the Hearing Officer at the time of the scheduled hearing. An advisor may write a note to a student party during a hearing, and may request a brief recess to confer with a student party.

An advisor may review and read the investigative record and take notes. No copies of any investigative materials will be given to the advisor.

Any advisor who in the University's discretion is deemed to be disruptive or disrespectful during any hearing, meeting, or through any investigative process, will be asked to remove him/herself from the process. The University will not postpone or continue an investigation, a hearing, or a meeting because of the removal of an advisor who does not comply with the University's participation guidelines.

Conduct of Formal Hearings

The formal hearing will be recorded for the Committee's use in deliberations. The recording will not be transcribed but will be stored securely and confidentially by the General Counsel. Upon receipt of signed written request, a copy of the recording will be made available to either party by the General Counsel's office. The Committee alone may question witnesses and parties. Each party has the right to be present for the entirety of the hearing. In the course of the hearing, each party may submit in writing, questions to be asked by the Committee. However, the Committee reserves the right to decline to pursue any such questions. The Respondent has the right to refuse to testify.

The Complainant and Respondent may request witnesses and present documentary evidence. Witnesses will be present at the hearing only when giving testimony. Each party may bring any number of witnesses; however the actual number of witnesses heard will be at the discretion of the Committee. The Committee may refuse to accept or hear any evidence that it deems irrelevant or unreliable. Rules of evidence used in courts of law are not used in this process.

Findings of the Committee (Preponderance of the evidence Standard)

After the hearing, the Committee will find one of the following:

- that it is more likely than not that the alleged violation occurred, or
- that it is more likely than not that the alleged violation did not occur.

Decision and Written Report

The Committee will deliberate in closed session to determine whether the responding party is responsible or not responsible for the violation in question. The Committee will base its findings and recommendation on a preponderance of the evidence standard.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator detailing the finding, the evidence heard, and how each member voted. The report should conclude with the recommended sanctions. All findings by the Committee shall be based on a majority vote of the panel. The Committee members must sign the written report.

After consultation with the Title IX Coordinator the employee's immediate supervisor will determine and impose sanctions in writing to the respondent. Disciplinary action will be taken by the respondent's supervisor for staff and Deans of the respective School or College for faculty.

The Title IX Coordinator will inform the party bringing the grievance of the final determination within 2-3 days of the hearing. The notification will be made in writing and delivered in person or certified or overnight mail.

Sanctions (Faculty, Administration, Staff)

Sanctions imposed by the Committee will be commensurate with the seriousness of the conduct, and will be adequate and sufficient to demonstrate the University's commitment to taking strong and effective measures to both remedy and prevent further violations. The assessment of the severity of the sanction will be based on both the current case and the Respondent's previous record of misconduct (if applicable). Any sanctions imposed on tenured faculty will be pursuant to the procedures delineated in the appropriate faculty handbook. Sanctions might include, but are not limited to:

- a written apology;
- a transfer or change in department or teaching assignment;
- a warning, meaning a written statement that the Respondent violated this policy, which would be placed in the Respondent's permanent record;

- a referral for counseling and/or training (failure to fulfill the sanctions shall be cause for sanctions of a more serious nature);
- probation for a slated period of time within which the Respondent’s rights to participate in University-sponsored activities and/or access to facilities may be limited or removed;
- suspension (with or without pay) meaning a separation from the University for a slated period of time or until specific conditions are met; or
- dismissal, meaning permanent removal from employment or University programs, facilities, and property.

The appropriate administrative officer of the University will be notified of any sanction recommending termination from employment at the University.

Summary Suspension

The University reserves the right to take necessary and appropriate action to protect the educational environment, and the safety and well-being of members of the University community. In the event that any individual charged with violation of the University’s Equal Opportunity – Nondiscrimination- Harassment Policy is deemed a serious risk to the safety and security of the University and/or its campus community, the University reserves the right to summarily suspend that individual. The University reserves its right to suspend that individual with or without pay and benefits (tenured faculty can only be suspended with pay and benefits) and exclude that individual from campus, except as necessary to participate in the formal hearing process delineated above.

Nothing in this policy shall limit the authority of the University, or any of its constituent parts, to take such actions as the appropriate University officer or Dean or his/her designee deems necessary to protect the physical safety of the members of the University community, or to maintain conditions compatible with the educational process or institutional integrity of the University or any of its constituent parts.

Appeals (Faculty, Administration, Staff)

Notice of an appeal

Respondents and Complainants may appeal by filing written notice with the Title IX Coordinator within 14 calendar days from the day a sanction is or is not imposed. Respondents and Complainants seeking an appeal must specify the grounds for the request. Respondents and Complainants who fail to file an appropriate written request for an appeal within fourteen (14) days waive their rights to appeal.

Grounds for appeal

Appeals will be considered only in one or more of the following circumstances:

- when a Respondent or Complainant deems the sanction inconsistent with the gravity of the offense, except in the case of termination of employment as provided in the Western New England University Faculty handbook where review is automatic;
- when new evidence that was not available at the time of the hearing becomes available within the above referenced fourteen (14) calendar day period; or
- when there has been a substantial and material procedural error during the hearing process.

Review

A three member appeals panel will be designated by the Title IX Coordinator in consultation with the President of the University. Appeal panel members may not include individuals who had previously been involved in the grievance process. The appeal panel will have the authority to:

- affirm;
- reverse;
- modify the sanctions; or
- remand the matter for further investigation or consideration by the Committee (only available where there is new evidence or where there is a substantial and material procedural error).

The original decision and sanction will stand if the appeal is not timely or is not based on the grounds cited above. After conferring with the appeals panel, the Title IX Coordinator will deliver a written decision on the appeal to all parties within 3 business days from the review of the appeals panel. Decisions of the appeals panel are final.

Appeals for tenured faculty only

Should any tenured faculty member at the University desire to pursue an appeal of any actions imposed on him/her through these procedures, the affected faculty member will avail himself/herself of procedures delineated in the appropriate faculty handbook.

Substitutions

In the event that the Respondent is the President, the Chairman of the Board of Trustees will receive the report of the Committee and determine, with the Board of Trustees, any sanctions to be imposed in accordance with the Bylaws of Western New England University. The decision of the Board will be final.

Confidentiality

Through all investigations and hearings of complaints arising from discrimination and harassment, both formal and informal, the confidentiality of the proceedings and the identities of parties to the complaint shall be protected to the fullest extent practicable under the facts and circumstances of each case.

Rights of the Complainant and Respondent

- The right to be treated with respect by University officials.
- The right to be notified of available counseling, mental health or other services, both on and off campus.
- The right not to be discouraged by University officials from reporting an assault to both on campus and off campus authorities.
- The right to be free from retaliation.
- The right to have a single advisor present during the process.
- The right to be informed in advance, when possible, of any public release of the information regarding the complaint.
- The right to written notice of the outcome and sanction of the hearing.
- The right to a fundamentally fair hearing as defined in these procedures.
- The right to an outcome based solely on the evidence presented during the process.
- The right to be informed in advance, when possible, of any public release of the information regarding the complaint.

Training

The University will offer education programs annually to all employees and students about the topics outlined in this policy. Additionally, the University will offer prevention and awareness programs to all new students and employees as part of the orientation processes.

Revisions

This policy will be reviewed and updated annually by the Title IX Coordinator.

Revised as of 4-10-2017

1. Violence Against Women Reauthorization Act Of 2013
2. 20 U.S.C.A. § 1092 (West); 34 C.F.R. § 668.46
3. Violence Against Women Reauthorization Act Of 2013 § 304
4. M.G.L.A. 151B § 4
5. There is no legal definition of consent in Massachusetts.
6. Violence Against Women Reauthorization Act Of 2013
7. White House Task Force to Protect Students from Sexual Assault
8. Violence Against Women Reauthorization Act Of 2013

APPENDIX 9: NONDISCRIMINATION POLICY

Western New England University's Nondiscrimination Policy

Western New England University is committed to the principle of equal opportunity in education and employment. The University does not discriminate on the basis of sex, race, color, creed, national origin, age, religion, sexual orientation, gender identity, gender expression, veteran status, genetics, or disability in admission to, access to, treatment in, or employment in its programs and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Assistant Vice President and Director of Human Resources
Western New England University
1215 Wilbraham Road
Springfield, MA 01119-2684

Inquiries concerning the application of nondiscrimination policies may also be referred to the:

Regional Director
Office for Civil Rights
U.S. Department of Education
J.W. McCormack P.O.C.
Room 222
Boston, MA 02109-4557