LAFAYETTE COLLEGE FACULTY HANDBOOK

ACADEMIC YEAR 2026-27

Lafayette College
Easton, Pennsylvania

LAFAYETTE COLLEGE FACULTY HANDBOOK

ACADEMIC YEAR 2026-27

Revised by the Office of the Provost

July 1, 2026

PREFACE

This Lafayette College *Faculty Handbook* is updated and revised for academic year 2026-27. Changes and additions since the last revision are marked by an asterisk except for minor changes such as renumbering or resequencing a section, revising cross-references, or adjusting phrasing and committee names.

Information in the *Faculty Handbook* originates from a variety of sources: policies established by the Board of Trustees, Faculty legislation, and decisions of the Provost.

Bracketed annotations in the text indicate the source and date of many of the sections. If the source is Faculty legislation since 1967, the motion number may be used by voting faculty members to trace the text of the motion at the Clerk of the Faculty's Spaces site. (For the period 1967-82, the motion numbering was retroactively developed by former Clerk of the Faculty Ralph Slaght.) Records have not been systematically checked before 1950, though the date of the legislation is given when it is known. Bracketed information specifies Board approval or Board revision of Faculty legislation when that is known. If a section appears without annotation or with incomplete annotation, this could mean that it resulted from pre-1950 legislation, from administrative revision, or from Board legislation. Questions regarding the annotations may be directed to the Clerk of the Faculty. [Rev 2018, Rev 2026]

A searchable electronic text of the *Faculty Handbook* is available at provost.lafayette.edu.

Laura McGrane
Provost

LAFAYETTE COLLEGE FACULTY HANDBOOK

Academic Year 2026-27

CONTENTS

CHAPTER 1: LAFAYETTE COLLEGE 1

1.0 History 1

1.1 Mission 1

1.2 Accreditation 2

CHAPTER 2: THE BOARD OF TRUSTEES 3

CHAPTER 3: THE PRESIDENT AND OFFICERS OF ADMINISTRATION 4

3.0 The President 4

3.1 The Provost 4

3.2 Additional Members of the President's Senior Leadership Team 6

CHAPTER 4: FACULTY MEMBERS AND OTHER OFFICERS OF INSTRUCTION 9

Index 9

4.0 Preamble 11

4.1 Faculty and Other Officers of Instruction 11

4.2 Faculty Standards 20

4.3 The Review Processes 29

4.3.1 Definitions 29

4.3.2 General Review Policies 30

4.3.3 Timeline 31

4.3.4 Materials for Review 33

4.3.5 Pre-Tenure Materials & Reviews; Tenure/Promotion Materials 36

4.3.6 Departmental/Program Review Committee Tenure and/or Promotion Procedures 42

4.3.7 Promotion, Tenure, and Review Case Committee Procedures 43

4.3.8 Disposition of the Promotion, Tenure, and Review Case Committee's Tenure and/or Promotion Recommendations 44

4.3.9 Deferred Tenure Candidates 46

4.3.10 Four- and Seven-Year Review of Tenured Faculty Members 47

4.3.11 Review Process for Continuing Faculty 48

4.3.12 Process for Promotion of Lecturer to Senior Lecturer 48

	4.4	Procedure for an Ad Hoc Reconsideration Committee in the Case of Presidential Non-Concurrence after a Positive Recommendation from the Promotion, Tenure, and Review Case Committee	51
	4.5	Procedures with Respect to Negative Recommendations	53
	4.6	Recruitment Principles and Procedures	59
	4.7	Interdisciplinary Appointments	62
	4.8	Short-term and Part-time Appointments	62
	4.9	Termination of Appointment	65
CHAPTER 5:	**FACULTY ORGANIZATION**		**66**
	5.0	The Rules for the Organization of the Faculty	66
	5.1	Meetings	66
	5.2	The Clerk of the Faculty	67
	5.3	Rules for the Conduct of Business	68
	5.4	Elected and Appointed Faculty Committees	71
	5.5	Administrative Committees Appointed by the Provost	86
	5.6	Other Administrative Committees	92
CHAPTER 6:	**FACULTY SALARIES AND OTHER COMPENSATION**		**94**
	6.0	Policies and Procedures for Individual Salary Considerations	94
	6.1	Benefits	95
	6.2	Leave of Absence Without Pay	103
	6.3	Travel to Professional Meetings	103
	6.4	Research and Advanced Study Grants	105
	6.5	Athletic and Recreation Facilities	105
	6.6	Cultural Events Program	106
	6.7	Library Privileges	106
CHAPTER 7:	**THE FACULTY MEMBER AND THE STUDENT**		**107**
	7.0	General	107
	7.1	Statement of Admissions Guidelines	107
	7.2	Faculty Advisers	107
	7.3	Student Discipline	108
	7.4	Academic Calendar, Scheduling, and Class Attendance	108
	7.5	Conduct of Examinations	110
	7.6	Grading	111
	7.7	Departmental Honors & Honors in Interdisciplinary Major Program	113
	7.8	Statute of Limitations on Student Academic Work	114
	7.9	Commencement	114

APPENDICES:

A.	Academic Freedom	118
B.	Policy on Equal Opportunity, Harassment, and Non-Discrimination	119
C.	Diversity and Inclusiveness Statement	185
D.	Policy on Equal Employment Opportunity; Faculty Policy on Professional and Academic Rights; Faculty Grievance and Equal Employment Opportunity Grievance Procedures	186
E.	Intellectual Property Policy and Procedures	191
F.	Copyright Information	196
G.	College Housing Program Policies and Procedures	198
H.	Statement of Governance [Student]	200
I.	The Preparation of Written Work	202
J.	English Competency	204
K	Policy on Student Records and the Family Educational Rights and Privacy Act (FERPA)	205
L.	Policy Statements Found in the *Student Handbook*	211
M.	Interdisciplinary Appointment Policies and Procedures	212
N.	Lafayette College Research Integrity Policy	217
O.	Institutional Animal Care and Use Guidelines	232
P.	Institutional Repository of Faculty Scholarly Articles	236
Q.	Information Technology: Statement of Confidentiality, Privacy, and Security	237
R.	Preferential Voting	239
S.	Formal Procedure for a Case of Possible Dismissal, or of Possible Suspension, of a Faculty Member from the College for Misconduct other than that Covered by either Appendix B or N	242
T.	Process for Considering the College's Response to Matters of Grave Social or Moral Concern Raised by Members of the Lafayette Community	247
U.	Conflict of Interest Policy for Lafayette College Faculty or Staff Members Undertaking Federally Funded Research	248
V.	Recommended Practices for Departmental/Program and Institutional Interpretation of Student Evaluations	256
W.	Flow Chart of the Tenure Process	259
X.	Guidance for PTR and DRCs/PRCs for Setting Expectations and Assessing Faculty Performance During the COVID-19 Pandemic	261

CHAPTER 1

LAFAYETTE COLLEGE

1.0 History [Added 1987, Rev. 20-27]

Founded in 1826 by citizens of Easton, Pennsylvania, Lafayette College has continually shaped itself in ways that best serve its educational purpose, remaining supportive of the tradition of liberal arts education while being responsive to changes and challenges of society and the times. For example, in 1838, it became one of the first colleges to implement a teacher-training program, thus recognizing the connections within education at all levels. In 1854, the College formed a mutually supportive association with the Presbyterian Church. In 1866, the College established courses in engineering, chemistry, and mining that have subsequently evolved into vital and essential components of the curriculum. For more than a century after its founding, Lafayette remained an all-male institution; in 1973, the College enrolled women students for the first time, and today, the College welcomes students, faculty members, and administrative staff of all races, religions, sexes, sexual orientation, gender identity and expression, national origin, age, or disability to be a part of the Lafayette Community. As the 21st century unfolds, Lafayette stands strong as an independent, residential, undergraduate institution with a faculty of distinction and some 2,700 full-time students of high intellectual promise and diverse backgrounds.

The College's undergraduate curriculum is distinguished by the rare combination of degree programs in the liberal arts and in engineering. Lafayette students may choose among a range of discipline-based and interdisciplinary courses and pursue the Bachelor of Arts degree in 34 fields and the Bachelor of Science degree in 15 fields of science and 5 fields of engineering. Students may also design an individualized, interdisciplinary major or participate in a five-year, two-degree program leading to a B.S. in engineering and an A.B. in international studies. Those who pursue professional career preparation do so within programs rooted in and enriched by the liberal arts. [Rev.2023 per VP for Enrollment Management]

Effective and challenging teaching is the first priority of the faculty, both in the classroom and in a variety of independent and collaborative learning experiences. Easton's proximity to New York City and Philadelphia helps students extend their learning experiences, as do Lafayette's co-curricular intellectual, cultural, athletic, and social programs. Faculty research and scholarship are encouraged and supported in the belief that such professional involvement extends the individual faculty member's intellectual resources, strengthens and complements teaching effectiveness, facilitates student/faculty research, and contributes to the scholarly and professional communities outside the College.

In addition to a campus of great beauty, Lafayette offers a well-equipped physical plant. The College's programs are supported by an expansive library with an extensive array of electronic and internet-based resources; modern computer facilities and laboratories accessible to students; thriving centers for the performing and visual arts; a large College center for dining and other communal activities; an athletic complex compatible with the College's intercollegiate Patriot League commitment and an extensive intramural and recreational program; two chapels serving a diverse range of religious communities; and a variety of residential options for students.

1.1 The Mission [89-10, Board March 31, 1990, Rev. 1994, 2026]

*Chartered in 1826, Lafayette College is dedicated to excellence in undergraduate education. Students are engaged in a transformative educational experience that bridges the liberal arts, engineering, and interdisciplinary study. The College fosters intellectual inquiry, artistic exploration, scholarship, and personal growth in a vibrant, diverse, and inclusive community. Lafayette students become critical thinkers, creative problem-solvers, and responsible citizens of the world. [2026]

1.1.1 Integral to the mission of Lafayette College is the concept of shared governance. Shared governance recognizes the mutual interdependence and the unique expertise of different College constituencies, including faculty, staff, administrators, trustees, students, and alumni. Shared governance facilitates continual conversation among multiple voices while acknowledging that each constituency bears primary responsibility for certain decisions. Shared governance translates the voices of these different constituencies into a single voice that speaks for the College as a whole. Under shared governance, the views of each constituency are carefully considered in a manner that is transparent, democratic, and respectful. [Added 13-17]

1.2 Accreditation

Lafayette College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104; (267) 284-5000. The Commission on Higher Education is an institutional accrediting agency recognized by the United States Secretary of Education and the Council for Higher Education Accreditation. The Chemical Engineering Program, Civil Engineering Program, Electrical and Computer Engineering Program, Integrative Engineering Program, and Mechanical Engineering Program are accredited by the Engineering Accreditation Commission of the ABET, 415 N. Charles Street, Baltimore, MD 21201-4405; (410) 347-7700. The Bachelor of Science program in Computer Science is accredited by the Computing Accreditation Commission of the ABET, 415 N. Charles Street, Baltimore, MD 21202-4405; (410) 347-7700. The Bachelor of Science program in chemistry and, under certain conditions, the Bachelor of Arts in chemistry meet the requirements of the American Chemical Society, making graduates of those programs eligible for membership in the Society immediately upon graduation. [Added 1987, Rev. 1998, 2005, 2019, 2026]

CHAPTER 2

THE BOARD OF TRUSTEES

2.0 The Board of Trustees

The Board of Trustees has ultimate responsibility for the College. The Board, which consists of up to 35 members, holds four regularly scheduled meetings every academic year and special meetings as may be necessary. Many trustees assist in fund-raising activities for the College. [Added 1982]

*Much of the work of the Board is done through committees which make recommendations to the entire Board. These committees are: Audit; Compensation; Development and Alumni Affairs; Educational Policy; External Affairs; Facilities and Infrastructure; Financial Policy; Investments; Student Life; and Trustees and Governance. Trustees select and delegate executive authority to the President of the College. Policy recommendations with respect to curriculum, selection of instructional staff, and College regulations are made by the Faculty and administrative officers for Board approval. [Added 1982, Rev. 1995, 1999, 2007, 2010, 2012, 2016, 2026]

As at many colleges and universities, effective relationships among trustees, alumni, faculty, and students have been developed. Up to five alumni trustees (one elected each year by the Board) serve on the Board at one time. They are nominated by the Alumni Association and serve a five-year term. The Clerk of the Faculty, the President of Student Government, the President and the President-elect of the Alumni Association, and the Chair and Vice Chair of the Lafayette Leadership Council are invited to attend meetings of the Board, where they may participate in discussions but may not vote. Most standing committees of the Board have one faculty member (and an alternate who attends in the primary faculty member's absence), one student member, and two alumni members who vote on committee decisions. They are chosen by the Chair of the Board from among nominations submitted respectively by the Faculty, the Student Government, and the Alumni Association's Executive Committee. [Added 1982, Rev. 1997, 1998, 1999, 2007, 2009, 10-16]

The responsibilities of the Board of Trustees are further described in the *Statutes* of Lafayette College about.lafayette.edu/mission-and-history. See the Preamble and Chapter I of the *Statutes* for this description. [Added 1973, Rev. 2007]

CHAPTER 3

THE PRESIDENT, THE PROVOST, AND ADDITIONAL MEMBERS OF THE PRESIDENT'S SENIOR LEADERSHIP TEAM

3.0 The President

The duties of the President are defined in Chapter II of the *Statutes*; the appointment of other administrative officers is authorized in Chapter IV of the *Statutes*.

3.1 The Provost

The Provost leads the academic division of the institution, including its strategy, budget, and operations. The Provost also participates in all promotion, tenure, and review decisions as well as faculty hiring decisions; considers sabbatical and leave requests; oversees faculty and staff compensation for the division; and appoints Department Heads/Program Chairs. The Provost is a member of the Senior Leadership Team and a strategic partner to the President, to whom the Provost reports.

*The academic division includes Lafayette libraries, the Office of the Registrar, the Office of Institutional Research, Director of Sponsored Research, the Office of Student Advising and Co-curricular Programs, the Office of International and Off-Campus Education, the Hanson Center for Inclusive STEM Education, the Landis Center for Community Engagement, the Meyner Center, the Center for the Integration of Teaching, Learning, and Scholarship (CITLS), the Dyer Center for Innovation and Entrepreneurship, the Performing Arts, and the Lafayette College Art Galleries which include the Williams Center Gallery, Grossman Gallery, Kirby Art Study Center, and Art on Campus.

The Provost prioritizes and approves staffing requests in consultation with the Staffing and Compensation Committee. The Provost also represents the College in roles mandated in the *Faculty Handbook,* and names members and chairs of various appointed committees. The Provost is the Secretary of the Board of Trustees' Committee on Educational Policy, and performs other duties as assigned by the President. The Provost serves at the pleasure of the President and of the Board. [Rev. 2008, 2010, 2014; Rev. 21-41, Board October 21, 2022, 23-35, 2025, 2026]

3.1.1 The Dean of the Faculty is responsible, in consultation with the Provost, for faculty hiring (tenure-track, continuing, visiting, and adjunct positions), faculty personnel issues including diversity and retention, orientation programs for new faculty and new Department Heads/Program Chairs, and faculty mentoring and development programs. The Dean of the Faculty assists the Provost on sabbatical and leave requests, visiting and adjunct faculty salaries, and Department Head/Program Chair appointments. [Added 2014, Rev. 2018, 2019, 2020, Motion 21-41, 2022, 23-35, 2025, 2026]

*3.1.2 The Associate Provost of Advising and Student Success works with faculty and administrators to align pre-major advising practices and student experience with the college's educational priorities. The Associate Provost of Advising and Student Success helps strengthen student experience across key transition points, including entry into the institution, the first-year academic experience, and academic exploration prior to major declaration. The position provides broad support for various academic initiatives and coordinates provost-sponsored student funding opportunities such as student conference travel and student research. [Added 2026]

*3.1.3 The Associate Provost of Curriculum is responsible for review, planning, and recommendations regarding the College's curricula, including the Common Course of Study and the College's interim and summer course offerings. The Associate Provost of Curriculum supports curriculum development and oversees the College Writing Program, the First-Year Seminar, the Office of International and Off-Campus Education, and the work of the Academic Project

Coordinator in the Office of the Provost. The Associate Provost of Curriculum has management and oversight of course enrollments, department and program course planning, and the periodic review of academic units. The Associate Provost of Curriculum, in collaboration with the Provost, manages the College's assessment processes and is the Accreditation Liaison Officer (ALO) to the Middle States Commission on Higher Education. The Associate Provost of Curriculum is responsible for the College's Academic Calendar and serves *ex officio* on the Educational Policy Committee. [Added 2019, Rev. 2021, 2024; 2026]

*3.1.4 The Associate Provost of Scholarship, Research, and Academic Initiatives is responsible for the support of faculty scholarship, the development of new academic programs, and the enhancement of institutional research capacity. The Associate Provost is responsible for the management of faculty research programs (including the EXCEL scholars program) via the Research Support Committee (RSC), as well as the College's faculty conference travel program. The Associate Provost coordinates with the Provost and the Advancement Division to identify and develop institutional grant proposals and serves as the primary academic liaison to the Office of Sponsored Research; supports departments and programs in the planning of new academic initiatives; serves as the Provost's representative on the Institutional Review Board (IRB); collaborates with the Communications Division to manage the visibility of faculty scholarship; and assists the Office of the Provost with academic planning. [Added 2026]

3.1.5 The Dean of Advising and Co-Curricular Programs oversees academic advising and support, as well as the integration of academic and residential experiences for students. Accordingly, the Dean supervises the staff of the Academic Resource Hub, class deans, and the Associate Dean for Scholarships and Fellowships. The Dean coordinates health professions advising and pre-declaration advising. Among the programs in which the Dean plays a pivotal role are the Marquis Scholars, the McKelvy Scholars, Forensics, POSSE, and First-Year Orientation. [Added 2014, Rev. 2018, 2019]

3.1.6 The Dean of Libraries oversees the libraries' mission to support the teaching, learning, and scholarship of faculty and students by making available and useful the record of human knowledge and creativity. [Rev. 1997, 2001, 2005, 2006, 2011]

*3.1.7 The Director of Academic Operations supports the Provost and Academic Division through budget and resource management (including gift and endowed funds), academic space and capital project management, coordination of divisional human resources processes, and cross-functional initiatives in support of divisional priorities. [Added 2026]

3.1.8 The Director of Institutional Research helps to maintain the College-wide database; coordinates the preparation and dissemination of reports; and provides technical support to all constituencies of the College interested in collecting and interpreting data to assess existing programs and activities, to develop new programs, or to inform policy decisions. [Rev. 2007, 2009, 2010]

3.1.9 The Director of Sponsored Research oversees activities designed to secure support for faculty research from government, foundation, and programmatic corporate sources; and serves *ex officio* on the Institutional Animal Care and Use Committee and the Institutional Review Board. [Added 1999, Rev. 2010]

3.1.10 The Registrar keeps academic records of the students as directed by the Faculty and in compliance with federal privacy law (FERPA). The Registrar also prepares academic schedules, giving times and places of classes and of final examinations and oversees the course registration process of students. The Registrar issues official transcripts and other academic records as required. [Rev. 1986, 2009, 2026]

*3.1.11 Faculty Deans, Directors, Heads, and Conveners may be appointed by the Provost for each of the academic divisions and one representing interdisciplinary programs. These leaders

may call a meeting of their area at the request of the Provost, at their discretion, or at the request of two or more Department Heads/Program Chairs within that area. [Added 2008, Rev.2026]

*3.1.11.1 The Dean of Engineering and Director of ABET Accreditation

*3.1.11.2 The Director of the Arts

*3.1.11.3 The Divisional Head of the Natural Sciences

*3.1.12 Department Heads and Program Chairs are recommended by the Provost to the President, for appointment, usually for three-year terms. All matters related to the course offerings and the policies of the Department/Program are under the direction of the Department Head/Program Chair. The Department Head/Program Chair makes recommendations to the Provost concerning remuneration and terms of appointment for members of their department/program. The Department Head/Program Chair is responsible for preparing an annual budget in consultation with other members of the department. The Department Head/Program Chair is also responsible for the authorization of expenditures from budgeted departmental funds. [Rev. 2015, 2026]

*3.1.12.1 Prior to the appointment or reappointment of a Department Head, the Provost asks each member of the department or Program Advisory Committee to name the person believed to be best qualified to serve as Head or Chair and to give reasons for the choice. The information so gathered is considered by the Promotion, Tenure, and Review Committee in making recommendations to the President. [76-13, Rev. 2026]

*3.1.13 Directors of Centers, Arts, Initiatives [Added 2026]

*3.1.13.1 The Director of the Center for the Integration of Teaching, Learning, and Scholarship

*3.1.13.2 The Director of the College Writing Program and First-Year Seminar Program

*3.1.13.3 The Director of the Dyer Center for Innovation and Entrepreneurship

*3.1.13.4 The Director of the Hanson Center for Inclusive STEM Education

*3.1.13.5 The Director of International and Off-Campus Education

*3.1.13.6 The Director of the Meyner Center

*3.1.13.7 The Executive Director of Community Engagement and Director of the Landis Center

*3.1.13.8 The Director of the Art Galleries

*3.1.13.9 The Director of Arts Marketing

*3.1.13.10 The Director of the Performance Series

***3.2 Additional Members of the President's Senior Leadership Team**

The Senior Leadership Team comprises the College's principal administrative officers who oversee key institutional divisions and operations. These leaders report directly to the President, unless indicated otherwise. [Added 2026]

3.2.1 The Chief Investment Officer who is responsible to the President and the Board of Trustees' Committee on Investments, is charged with the day-to-day management of the College's endowment and long-term investment portfolios. [Added 2014, Rev. 2017]

3.2.2 The Director of Athletics supervises and coordinates the intercollegiate athletic program of the College. [Rev. 1999, 2002, 2011, 2014]

*3.2.3 The Executive Vice President for Finance and Administration (EVP) is the College's chief financial and operational officer, reporting to the President and Board. The EVP leads the Controller's and Budget Offices, managing fiscal health, assets, and compliance.

This role also oversees Information Technology Services, Public Safety, Human Resources, Facilities Operations, Legal, Sustainability, and Architectural/Construction Services. Additionally, the EVP manages Business Services, including Procurement, Dining, Insurance, Childcare, the College Store, Event Scheduling, Post Office, and the Lafayette Inn. Serving as the Secretary of the Board of Trustees' Committees on Audit, Financial Policy, and Facilities & Infrastructure, the EVP ensures operations align with the College's strategic mission. [Rev. 1998, 1999, 2000, 2002, 2003, 2006, 2007, 2009. 2015, 2017, 2018, 2020, 2023, 2024; 2026]

3.2.3.1 The Chief Information Officer reports to the EVP for Finance and Administration and oversees instructional technology, research computing, user support, web development, digital infrastructure, administrative systems, and data integration/management. [Added 2011, Rev. 2015; 2025]

3.2.3.2 General Counsel reporting to the EVP for Finance and Administration serves as legal counsel for Lafayette College, its Board of Trustees, officers, colleges, and academic and administrative departments and is responsible for coordinating legal issues and compliance matters at the College. [2024]

*3.2.4 The Vice President for Advancement supports the College's mission by fostering lifelong connections with alumni, parents, and friends. By prioritizing philanthropy and volunteerism, the Vice President advances the College's strategic goals and supports the success of students and faculty. Additionally, the Vice President serves as co-Secretary to the Board of Trustees' Committee on Development and Alumni Affairs and the Committee on Trustees and Governance, while fulfilling other duties as assigned by the President. [Rev. 2011, 2012, 2013, 2015, 2016, 2018, 2019, 2026]

*3.2.5 The Vice President for Communications & Marketing provides leadership and oversight for the College's strategic communications and integrated marketing functions, including content creation and strategy, brand management, digital communications, media and public relations, crisis and issues communications, athletics communications, social media strategy, institutional publications, and alumni and constituent communications. Serving as the College's chief communications and marketing officer and official spokesperson, the Vice President is responsible for advancing the College's mission, reputation, visibility, and strategic priorities through effective, strategic, and integrated communications and marketing initiatives. The Vice President leads efforts to strengthen the College's brand, support enrollment and student success, enhance alumni and donor engagement, promote institutional achievements, and foster communication with internal and external audiences. The Vice President oversees institutional messaging and reputation management across traditional and digital platforms and collaborates with academic and administrative leaders to support strategic initiatives and stakeholder engagement. The Vice President performs such other duties as may be assigned by the President. [Added 2009, Rev. 2017, 2020, 2023, 2026]

*3.2.6 The Vice President for Enrollment Management is responsible for the strategic direction, policy development, and operational oversight of the College's recruitment, admissions, and financial aid programs. The Vice President leads efforts to attract and enroll an accomplished and diverse student body, manages institutional financial aid packaging strategies to support affordability and enrollment goals, and oversees the daily operations of the Admissions and Financial Aid offices. [Rev. 1997, 2010, 2014, 2026]

3.2.7 The Vice President for Inclusion is responsible for developing and implementing strategies to foster an inclusive, equitable, and diverse campus environment. The Vice President of Inclusion works collaboratively with students, faculty, staff, and community partners to ensure that the college's commitment to diversity, equity, and inclusion (DEI) is reflected in all aspects of campus life. The key responsibilities for this role are to lead the development and execution of the college's strategic plan for diversity, equity, and inclusion, collaborate with academic and administrative departments to integrate DEI principles into curricula, policies, and practices, oversee programs and initiatives that support underrepresented and marginalized groups on campus, provide guidance and support for campus-wide DEI training and education, advise the President and senior leadership on DEI issues and progress, monitor and report on the effectiveness of DEI initiatives and programs, foster partnerships with external organizations and communities to enhance the college's DEI efforts, serve as a resource and advocate for students, faculty, and staff on DEI matters. [Added 2024]

*3.2.8 The Vice President for Student Life is responsible for the supervision of non-academic student life, advancing the purpose of the College by shaping a challenging and supportive learning environment in which all students are invited to deepen their understanding of themselves and the world. Programs and services extend the College's academic mission beyond the classroom by providing opportunities through which students can participate in a broad range of programs. Divisional departments foster a sense of belonging, social and civic responsibility, ethical conduct, personal development, and well-being. The Vice President for Student Life is the Secretary of the Board of Trustees' Committee on Student Life and performs other duties as assigned by the President. [Rev. 2002, 2003, 2005, 2006, 2009, 2010, 2011, 2015, 2017, 2018, 2023, 2024, 2026]

CHAPTER 4

FACULTY MEMBERS AND OTHER OFFICERS OF INSTRUCTION

4.0 Preamble

4.1 Faculty Members and Other Officers of Instruction

- 4.1.1 Responsibilities
- 4.1.2 Faculty Membership
- 4.1.3 Determination of Faculty Status
- 4.1.4 Policies
  - 4.1.4.1 Appointments Based on Merit and Programmatic Considerations
  - 4.1.4.2 Equal Employment Opportunity
  - 4.1.4.3 No Political or Ideological Tests for Faculty Appointments
  - 4.1.4.4 Term Appointments
  - 4.1.4.5 Inspection of Personnel Files
  - 4.1.4.6 Employment of Relatives Restricted
  - 4.1.4.7 Alternative Service
  - 4.1.4.8 Assignment of Positions to Departments/Programs
- 4.1.5 The Faculty Ranks
  - 4.1.5.1 Instructors
  - 4.1.5.2 Assistant Professors
  - 4.1.5.3 Associate Professors
  - 4.1.5.4 Professors
  - 4.1.5.5 Continuing Faculty
    - 4.1.5.5.1 Lecturers
    - 4.1.5.5.2 Senior Lecturers
  - 4.1.5.6 “Appropriate Terminal Degree” Defined
- 4.1.6 The Probationary Period

4.2 Faculty Standards

- 4.2.1 Teaching
- 4.2.2 Scholarship
- 4.2.3 Service

4.3 The Review Processes

- 4.3.1 Definitions
- 4.3.2 General Review Policies
- 4.3.3 The Timeline
- 4.3.4 Materials for Review
  - 4.3.4.1 Self-Evaluation
  - 4.3.4.2 Curriculum Vitae
  - 4.3.4.3 Teaching Portfolio
  - 4.3.4.4 Scholarship Portfolio

4.3.4.5 Annotated Service List
4.3.4.6 External Reviews
4.3.4.7 Letters of Support

4.3.5 Pre-Tenure Materials and Reviews; Tenure/Promotion Materials

4.3.5.1 Pre- and Post-midterm Conferences
4.3.5.2 Midterm Review
4.3.5.3 Tenure and/or Promotion Review Materials

4.3.6 Departmental/Program Review Committee Tenure and/or Promotion Procedures
4.3.7 Promotion, Tenure, and Review Committee Procedures
4.3.8 Disposition of Promotion, Tenure, and Review Case Committee's Tenure and/or Promotion Recommendations
4.3.9 Deferred Tenure Candidates
4.3.10 Four- and Seven-Year Review of Tenured Faculty Members
4.3.11 Review Process for Continuing Faculty
4.3.12 Process for Promotion of Lecturer to Senior Lecturer

4.4 Procedure for an Ad Hoc Reconsideration Committee in the Case of Presidential Non-concurrence after a Positive Recommendation from the Promotion, Tenure, and Review Committee

4.5 The Appeal Process

4.6 Recruitment Principles and Procedures

4.7 Interdisciplinary Appointments

4.8 Short-term and Part-Time Appointments

4.9 Termination of Appointment

4.9.1 For Cause
4.9.2 For Permanent Disability

4.0 Preamble

Lafayette College excels at educating highly promising students and promoting the intellectual and personal maturation required for global citizenship. The educational experience of Lafayette students depends fundamentally on the quality of the Faculty and on faculty members' effectiveness in maximizing each student's intellectual development. Faculty members encourage students to consider diverse experiences and perspectives throughout their lives and share a responsibility for providing a learning environment in which difference is valued and inclusiveness is practiced. The College takes justifiable pride in the accomplishments of its faculty members as master teachers, talented guides and mentors, scholars of distinction, and leaders within their fields. Indeed, no single factor is more important to the academic quality of the College than a strong and well-supported Faculty. [Added 10-33, Board, Oct. 22, 2011, Rev. 11-9]

To pursue the College's mission, the Faculty must be made up of individuals who demonstrate a commitment to the education of undergraduates. We hold that teaching and scholarship are mutually reinforcing and expect faculty members to be active and successful scholars. In addition, members of the Faculty are expected to participate in the intellectual and academic life of the College outside of class as engaged campus citizens, contributing to Faculty governance and the vitality of the academic community. [Added per 10-33 Board, Oct. 22, 2011, Rev. 11-9]

Hiring outstanding faculty members is one of the most important things we do to ensure the continued fulfillment of the College's mission. Invitations to join the Lafayette Faculty are extended after a rigorous and highly selective recruitment process. Given this, the College has a strong investment in the success of these new members of our community. For Lafayette to continue to grow in quality, it must continue to build the strongest Faculty possible. Individuals and groups who play a role in the review processes have a responsibility to encourage the professional development of faculty members. [Added 1982; Rev. 07-44, 10-33, Board, Oct. 22, 2011, 11-9]

4.1 Faculty and Other Officers of Instruction

The *Statutes* (Section 70) classify Officers of Instruction according to the following titles: (1) Professors, (2) Associate Professors, (3) Assistant Professors, (4) Instructors, (5) Lecturers, (6) Associates and Assistants. [Board, May 5, 1961]

4.1.1 Responsibilities

The responsibilities and duties of Officers of Instruction are described in Sections 72, 73, 74, and 75 of the *Statutes*.

4.1.1.1 The academic year is defined as extending from the first Faculty meeting or the first scheduled class in the fall, whichever is earlier, to the end of Commencement. [Added 1975, Rev. 1998]

4.1.1.2 Faithful discharge of duties In conformity with Section 75 of the Statutes, which states that "No Officer of Instruction shall, without the express permission of the Board, engage in any pursuit or occupation, with or without compensation, which shall interfere with the faithful discharge of his or her duties as a teacher, or with his or her punctual attendance upon the meetings of the Faculty and the public exercises of the College, or with such miscellaneous duties as are involved in his or her relations to the students as an officer of instruction," College policy allows full-time Faculty to engage in outside work, at most, an average of one day per week during the academic year. [Added 1975]

4.1.1.3 Teaching elsewhere The responsibilities of teaching, scholarship, and service at Lafayette College constitute a full-time obligation. Full-time Officers of Instruction who are invited to teach at another institution during a semester in which they are also teaching at Lafayette should discuss their plans in advance of accepting any such invitation with their

Department Head/Program Chair and with the Provost. Officers of Instruction who are on paid leave from Lafayette, e.g., a sabbatical leave, may not teach at another institution except under very special circumstances and should discuss such a situation with the Department Head/Program Chair and with the Provost before making arrangements for such a commitment. [Rev. 1987]

4.1.1.4 Teaching load Any variation from a normal teaching load for any reason must be approved by the Department Head/Program Chair and the Provost. [Added 1975]

4.1.1.5 Office hours Each Officer of Instruction, full-time and part-time, is expected to post and keep reasonable and regular office hours during the semester. [Rev. 1987]

4.1.2 Faculty Membership

The *Statutes* (Section 90) state that "The Faculty shall consist of the President, Professors, Associate Professors, Assistant Professors, Instructors and such other Officers as the Board or the Faculty may assign seats therein." [Board, Sept. 18, 1970]

4.1.2.1 Faculty status Pursuant to the provision of Section 90 of the Statutes, the Board of Trustees has assigned faculty status to the following Officers: the Provost, the Dean of the Faculty, the Chaplain, and Librarians with professional status. The Faculty has assigned faculty status to continuing faculty members. [June 2, 1953, 69-5, 82-11, 82-18, Rev. 1991, 92-6, Rev. 1993, 1997, 2002, 2006, 06-5, 06-33, 09-32, 2010, 2014; 21-41, Board October 21, 2022; 22-31, Board May 19, 2023, Rev. 2024]

4.1.2.1.1 Librarians have faculty status, but do not have faculty rank or tenure. Librarians are eligible to: [Added 2015]

a. serve on and chair faculty committees;

b. teach courses when requested to do so by a department/program;

c. apply for and receive research grants recommended by the Research Support Committee; [23-35; 24-17 Board May 23, 2025]

d. serve as academic advisors for students who have not yet declared a major;

e. serve as the "outside reader" for an honors thesis.

4.1.2.2 Part-time and visiting appointments Part-time and visiting appointees and appointees having titles other than those named in Section 4.1.2 shall not be members of the Faculty. For purposes of participation in meetings of the Faculty and its committees, exceptions to this rule may be made by the Faculty upon recommendation of the Promotion, Tenure, and Review Committee subject to the limitation that voting privileges may be extended only to those employed for half-time or more. [June 4, 1963, Rev. 1978]

4.1.3 Determination of faculty status The faculty status of the teaching and research Faculty is primarily a Faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. Determinations in these matters shall first be by Faculty action through established procedures and then by the President and the Board of Trustees. The Board of Trustees and the President should, on questions of faculty status, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail. Policies relating to the appointment, promotion, and tenure of Officers of Instruction are described in Section 70 of the Statutes. [80-9, Board, May 30, 1981]

4.1.4 Policies

4.1.4.1 Appointments based on merit and programmatic considerations Appointments and promotions are made on the basis of merit and in consideration of departmental/program and institutional concerns. In the case of tenure-track faculty members, institutional concerns are addressed by the Promotion, Tenure, and Review Committee at the time of midterm review (see Section 4.3.5.2.4.a). In the case of continuing faculty members, institutional concerns are addressed by the Provost in consultation with the Department Head/Program Chair upon contract renewal. These concerns include such issues as curriculum flexibility, patterns of student enrollment, and the ability of the department/program to maintain the quality of its major and minor programs. The percentage of tenured faculty members is not in and of itself a relevant institutional concern, and non-reappointment at the time of midterm review shall not be used as a hidden guideline. Only in exceptional circumstances should institutional concerns be introduced for the first time during the tenure year review. [Added 1973, Rev. 1987; Rev. 21-41, Board October 21, 2022]

4.1.4.2 Equal Employment Opportunity Appointments and promotions are made in conformity with the principles of Equal Employment Opportunity.

4.1.4.3 No political or ideological tests for faculty appointments No political or ideological test shall be a consideration in any matter affecting faculty status. [Added 1973, Rev. 1976, 80-14, Rev. 1984]

4.1.4.4 Term appointments Except in the case of continuing faculty members, a term appointment of one, two, or three years is considered to be terminal with the last year of the term defined in the appointment. Extension beyond the defined term requires the positive recommendation of the department/program, the Promotion, Tenure, and Review Committee (unless the Committee delegates this responsibility to the Provost; see Section 4.3.2.2), and acceptance by the President. [Added 1975, Rev. 1979, 1991; Rev. 21-41, Board October 21, 2022]

4.1.4.4.1 As provided in Section 70, B, 6 of the *Statutes*, notification of a decision not to reappoint a faculty member will be made at the earliest opportunity and not later than March 1 if an appointment is to be terminated after one year of service; December 15 of the second year if an appointment is to be terminated after two years of service; and September 1 of the terminal year if the appointment is to be terminated after three or more years of service. [May 6, 1969, Board, Feb. 21, 1970]

4.1.4.5 Inspection of personnel files A faculty member (or an agent designated by the faculty member) may inspect their own personnel files as provided under Pennsylvania Law (Pennsylvania Statutes: Title 43, Chap. 23). A faculty member wishing to do so should make arrangements with the Office of the Provost. Files assembled for review purposes are also subject to this policy of inspection. [99-10, Rev. 10-50, Board, Oct. 22, 2011, 11-9]

4.1.4.6 Employment of relatives restricted Employment of relatives of the degree of consanguinity or affinity of parent, child, spouse, and sibling within the College is not permitted if they are in a supervisory-subordinate relationship or if either is involved in an employment decision concerning the other. [Board, Nov. 15, 1975]

4.1.4.7 Alternative service To minimize the disruption of classes, a full-time Officer of Instruction who requires a short-term medical disability leave during the fall or spring semester may apply to the Dean of the Faculty, who will have the discretion, in consultation with the Department Head/Program Chair, to approve alternative non-classroom professional responsibilities for weeks in the semester not covered by the medical disability period. [93-18, approved by Board of Trustees on May 21, 1994, as interim policy; approved by Board of Trustees on May 18, 2001, as policy, Rev. 2014]

4.1.4.8 Assignment of positions to departments/programs The number of faculty positions assigned to each department/program is determined by the Provost in consultation with the Department Head/Program Chair and the Staffing and Compensation Committee (see Section 5.4.3.6.1.a). The number may be increased or decreased in response to such factors as curricular goals, interdisciplinary objectives, enrollment patterns, and long-range program needs. [Added 1978, Rev. 1979, 1987, 1990, 23-35, 2025, 24-17, Board May 23, 2025]

4.1.5 The Faculty Ranks

4.1.5.1 Instructors[1]

4.1.5.1.1 An Instructor is appointed for a term not exceeding one year. Appointments may be renewed by mutual agreement upon recommendation by the Department Head/Program Chair and the Promotion, Tenure, and Review Committee (unless the Committee delegates this responsibility to the Provost; see Section 4.3.2.2). The total period of service at this rank normally will not exceed five years. Usually, it will be less. [April 2, 1957, Board May 5, 1961, Rev. 1991]

4.1.5.1.2 To qualify for consideration for appointment as Instructor, a person must hold the master's degree or equivalent, should have completed all requirements for the doctor's degree except the dissertation, and must show promise of being a good teacher. [Added 1973]

4.1.5.1.3 To merit consideration for reappointment, an Instructor must show evidence of good teaching and of progress toward completion of all requirements for the doctor's degree, or other scholarly development. [Added 1973]

4.1.5.1.4 An Instructor who hopes eventually to be considered for promotion to a tenured position should complete all requirements for the doctor's degree by the end of their second year of service (see Section 4.1.6.7). [Added 1973, Rev. 11-9]

4.1.5.1.5 An Instructor will be considered for promotion to the rank of Assistant Professor at such time as they meet the criteria stated in Section 4.1.5.2.2. [Added 1976, Rev. 11-9]

4.1.5.2 Assistant Professors

4.1.5.2.1 Assistant Professors are usually appointed for two years. Appointments may be renewed for one, two, or three years upon recommendation by the Department Head/Program Chair and the Promotion, Tenure, and Review Committee (unless the Committee delegates this responsibility to the Provost; see Section 4.3.2.2).

4.1.5.2.2 To qualify for consideration for appointment as Assistant Professor, a person must hold the doctor's degree or other appropriate terminal degree and must offer evidence of good teaching (see Section 4.1.5.5). [April 2, 1957, Rev. 1975, 11-9]

4.1.5.2.3 To merit consideration for reappointment, an Assistant Professor must have a record of good teaching, professional growth, and service. [April 2, 1957, 98-34]

4.1.5.2.4 Assistant Professors who do not have terminal appointments normally will be considered for possible award of tenure in the sixth full-time year of the probationary

[1] These policies do not apply to Instructors in Athletics. [Added 1981]

period. See Section 4.1.6 for circumstances that affect the probationary period. [Added 1973, Rev. 1976, 1977, 1979]

4.1.5.3 Associate Professors

4.1.5.3.1 Associate Professors promoted from the lower rank at Lafayette are appointed with tenure. [Added 1973]

4.1.5.3.2 Associate Professors shall have tenure except on an initial appointment to the Lafayette College Faculty. Such an initial appointment may be with tenure or for a probationary period not to exceed five probationary years. See Section 4.1.6 for circumstances that affect the probationary period and therefore the timing of consideration for tenure. [Board, May 5, 1961, Rev. 1992, 02-13]

4.1.5.3.3 To qualify for promotion to the rank of Associate Professor, an individual, after completion of the doctorate or other appropriate terminal degree, must have demonstrated continued development in teaching, scholarship, and service. In addition, the individual must show promise of further growth. [Added 1973, Rev. 1977, 98-34, 10-34, Board, Oct. 22, 2011]

4.1.5.4 Professors

4.1.5.4.1 Professors shall have tenure except on an initial appointment to the Lafayette College Faculty. Such an initial appointment may be with tenure or for a probationary period not to exceed three probationary years. See Section 4.1.6 for circumstances that affect the probationary period. [Board, May 5, 1961, Rev. 1992, 02-13]

4.1.5.4.2 To qualify for promotion to or appointment as Professor, a person must have a continuing record of high achievement in teaching, scholarship, and service. Decisions regarding promotions to and appointments at the rank of Professor will acknowledge that because of professional and institutional circumstances, such candidates have some flexibility in establishing a sensible and productive balance among the three criteria. Factors for consideration may include an extended career of achievement or exceptional professional accomplishments, including accomplishments not in traditional academic venues. Candidates for promotion to the rank of Professor are asked to demonstrate leadership in the area of service. Leadership in service is defined as significantly contributing to the candidate's department/program, the College beyond the department/program, or profession outside of the College. For means of assessing service and leadership, see Sections 4.2.3.1 and 4.2.3.2. [April 2, 1957, Rev. 00-7; Rev. 20-53, Board, Oct. 2, 2021]

4.1.5.5 Continuing Faculty

4.1.5.5.1 Lecturers

*4.1.5.5.1.1. Lecturers normally are appointed for an initial term of two to three years. At the time of the initial appointment, the Lecturer's contract letter will include a separate memorandum specifying the duties of the position, and this memorandum will be included in the "materials for review" that constitute "the file" as defined in 4.3.1.4. Appointments may be renewed upon recommendation by the Department Head/Program Chair and the Promotion, Tenure, and Review Committee (unless the Committee delegates this responsibility to the Provost; see Section 4.3.2.2) contingent upon continuing programmatic needs for the Department/Program (see Section 4.1.4.1) and a recommendation for reappointment following review of the continuing faculty member (see Section 4.3.11) for an additional renewable two- to three year term. For Lecturers with an interdisciplinary appointment, Appendix M

should be consulted for Interdisciplinary appointment policies and procedures. In the case of a non-reappointment decision that is not due to programmatic needs, the Provost shall make an appointment with the Lecturer and the Department Head/Program Chair to discuss the available routes for making an appeal. [Motion 21-41, Board October 21, 2022; 22-32, Board May 19, 2023; 25-20, Board May 22, 2026]

4.1.5.5.1.2 To qualify for consideration for appointment in a Lecturer position, a person must hold an appropriate terminal degree (see Section 4.1.5.6) 21-41, Board October 21, 2022]

4.1.5.5.1.3 To merit consideration for reappointment, a Lecturer must have a record of distinction in teaching (see Sections 4.2.1 and 4.3.11). [21-41, Board October 21, 2022]

4.1.5.5.1.4 Lecturers are eligible to serve on faculty committees to which an untenured faculty member in their division, department, and/or program would be eligible for election. [21-41, Board October 21, 2022]

4.1.5.5.2 Senior Lecturers

4.1.5.5.2.1. Senior Lecturers normally are appointed for a term ranging from three to five years. At the time of the initial appointment, the Senior Lecturer's contract letter will include a separate memorandum specifying the duties of the position, and this memorandum will be included in the "materials for review" that constitute "the file" as defined in 4.3.1.4. For Senior Lecturers with an interdisciplinary appointment, Appendix M should be consulted for Interdisciplinary appointment policies and procedures. [21-41, Board October 21, 2022; 22-32, Board May 19, 2023]

4.1.5.5.2.2 To qualify for consideration for appointment as a Senior Lecturer, a person must hold an appropriate terminal degree (see Section 4.1.5.6) [21-41, Board October 21, 2022]

*4.1.5.5.2.3 Senior Lecturer appointments may be renewed for an additional renewable term upon recommendation by the Department Head/Program Chair and the Promotion, Tenure, and Review Committee (unless the Committee delegates this responsibility to the Provost; see Section 4.3.2.2) contingent upon continuing programmatic needs for the Department/Program (see Section 4.1.4.1) and a recommendation for reappointment following review of the continuing faculty member (see Section 4.3.11). In the case of a non-reappointment decision that is not due to programmatic needs, the Provost shall make an appointment with the Senior Lecturer and the Department Head/Program Chair to discuss the available routes for making an appeal. [21-41, Board October 21, 2022; 22-32, Board May 19, 2023; 25-20, Board May 22, 2026]

4.1.5.5.2.4 To merit consideration for reappointment, a Senior Lecturer must have a record of distinction in teaching (see Sections 4.2.1 and 4.3.11). [Added 21-41, Board October 21, 2022]

4.1.5.5.2.5 Individuals may be directly appointed to Senior Lecturer positions or, after teaching a cumulative total of 30 sections at Lafayette in any position, Lecturers are eligible to apply for promotion to a Senior Lecturer position (see Section 4.3.12). [Added 21-41, Board October 21, 2022]

4.1.5.5.2.6 Senior Lecturers are eligible to serve on and chair faculty committees to which an untenured faculty member in their division, department, and/or program would be eligible for election. [Added 21-41, Board October 21, 2022]

4.1.5.6 "Appropriate Terminal Degree" defined Persons whose professional accomplishments are measured by standards other than the usual criteria for scholarship, for example, artists and performers in the arts, may be appointed to the rank of assistant professor or higher without having a doctoral degree and other usual academic qualifications provided they present evidence of achievement and excellence judged by the standards appropriate to their fields. For example, a person teaching accounting may qualify for appointment to the rank of Assistant Professor or higher with a master's degree or equivalent and a Certified Public Accountant's certificate. [Added 1973, Rev. 1992]

4.1.6 The Probationary Period

The probationary period is the period during which a tenure-track member of the Faculty may teach without tenure. This period is understood as consisting of a certain number of probationary years; an academic year that includes two semesters of full-time teaching normally counts as a probationary year. [Added 11-9]

4.1.6.1 The maximum number of probationary years varies with rank: assistant professors are allowed seven, untenured associate professors are allowed five, and untenured full professors are allowed three (see charts below). Tenure review will normally occur in the penultimate probationary year. If tenure is awarded, it begins with what would have been the last probationary year; otherwise the last probationary year is terminal. [Rev. 11-9]

4.1.6.2 While the following tables represent the usual review sequence in a probationary period, circumstances outlined in Sections 4.8.3.3, 6.1.10, 6.1.11, 6.1.15.2.3, and 6.2.2 may alter the probationary period and thus the timing of the reviews. [Rev. 10-37 and 10-38, Board, Oct. 22, 2011]

Untenured Assistant Professors [Added 11-9]

Years of Full-Time Teaching at Lafayette	Year 1	Year 2	Year 3	Research Leave, one or two semesters	Year 4	Year 5	Year 6	Year 7
Review Pattern for Assistant Professors	No formal review	Pre-midterm conference in spring semester	Midterm review in spring semester	Year does not count toward tenure clock	Post-midterm conference in the spring semester	No formal review	Tenure review in fall semester	Tenure effective or terminal year

Untenured Associate Professors [Added 11-9]
An untenured Associate Professor does not undergo a post-midterm review.

Years of Full-Time Teaching at Lafayette	Year 1	Year 2	Year 3	Year 4	Year 5
Review Pattern for Untenured Associate Professors	Pre-midterm conference in spring semester	Midterm review in spring semester	No formal review, no research leave	Tenure review in fall semester	Tenure effective or terminal year

Untenured Full Professors [Added 11-9]
An untenured Professor does not undergo a pre-, post-, or midterm review.

Years of Full-Time Teaching at Lafayette	Year 1	Year 2	Year 3
Review Pattern for Untenured Professors	No formal review	Tenure review in fall semester	Tenure effective or terminal year

4.1.6.3 Counting prior service toward the probationary period The probationary period may include a maximum of two years' full-time service as Instructor (see also Section 4.1.6.7 below), Visiting Instructor, or Visiting Assistant Professor at Lafayette or a maximum of two years' full-time service at the rank of Assistant Professor or higher at other institutions. After consultation with the Department Head/Program Chair and the Provost, the candidate will decide whether to include or not to include such service and will report this decision to the Provost in accordance with the following schedule: [Added 1973, Rev. 1976, 1978, 1991, 2007, 11-9]

- the decision to count the first year as Instructor, Visiting Instructor, or Visiting Assistant Professor at Lafayette must be made before the beginning of the third semester of the probationary period; [Rev. 19-28, Board, Oct. 16, 2020]
- the decision to count the second year as Instructor, Visiting Instructor, or Visiting Assistant Professor at Lafayette must be made before the beginning of the fifth semester of the probationary period; [Rev. 19-28, Board, Oct. 16, 2020]
- the decision to count up to two years as Assistant Professor or higher elsewhere (may elect to count one or both years) must be made before the beginning of the third semester of the probationary period. [Rev. 19-28, Board, Oct. 16, 2020]

*4.1.6.3.1 Counting Prior Service Timelines [Added 25-20, Board May 22, 2026]

Not counting prior service:

Years of Full Time Teaching at Lafayette	Year 1	Year 2	Year 3	Research Leave (one or two semesters)	Year 4	Year 5	Year 6	Year 7
Review Pattern for Assistant Professors	No Reviews	Pre-Midterm Conference in spring semester	Midterm Review in Spring semester	Year does not count toward tenure clock	Post-Midterm Conference in Spring Semester	No Reviews	Tenure Review (normally) in Fall Semester	Tenure Effective or Terminal Year

Counting one year of prior service:

Years of Full Time Teaching at Lafayette		Year 1	Year 2	Research Leave (one or two semesters)	Year 3	Year 4	Year 5	Year 6
Review Pattern for Assistant Professors	Prior Service	No Reviews	Midterm Review in Spring semester	Year does not count toward tenure clock	Post-Midterm Conference in Spring Semester	No Reviews	Tenure Review (normally) in Fall Semester	Tenure Effective or Terminal Year

Counting two years of prior service:

Years of Full Time Teaching at Lafayette			Year 1	Year 2	Research Leave (one or two semesters)	Year 3	Year 4	Year 5
Review Pattern for Assistant Professors	Prior Service	Prior Service	No Reviews	Midterm Review in Spring semester	Year does not count toward tenure clock	Post-Midterm Conference in Spring Semester	Tenure Review (normally) in Fall Semester	Tenure Effective or Terminal Year

4.1.6.4 The parental and catastrophe options A member of the Faculty shall be allowed the option, with the written consent of the Dean of the Faculty and subject to the qualifying conditions listed below (see Sections 4.1.6.4.1 through 4.1.6.4.5), of not counting as part of the probationary period each academic year, up to a maximum of two, during some portion of which there is a child less than one year old at home or during which a child is placed for adoption [the parental option]; or that academic year in which the maintenance of a full professional life is likely to be impossible as the result of some unexpected event, such as the death of a spouse or child, the unexpected responsibility of having to provide care for an ill parent, etc. [the catastrophe option]. See Section 6.1.11 for a description of the Parental Leave Policy. [88-12, Rev. 13-37]

4.1.6.4.1 “Full professional life” is defined as professional work involving teaching, scholarly growth, and service. [88-12, 98-34]

4.1.6.4.2 Normally, the consent of the Dean of the Faculty should be sought within six weeks of the event which triggers the request. [88-12, Rev. 2014]

4.1.6.4.3 The parental option may be exercised only once for each child. [88-12]

4.1.6.4.4 The catastrophe option may be exercised only once. [88-12]

4.1.6.4.5 The faculty member’s Department Head/Program Chair and the Promotion, Tenure, and Review Committee shall be informed of the Dean of the Faculty’s consent. [88-12, Rev. 2014]

4.1.6.5 An untenured faculty member will not be reviewed (pre- or post-midterm conference, midterm review, or tenure review) during an academic year which does not count as part of the probationary period (that is, when the faculty member has spent at least one half of the year on leave or has exercised one of the options described in Section 4.1.6.4). [Added 1975, 85-31.1, 98-26, 98-34, 06-34, 10-37, Board, Oct. 22, 2011, 11-9]

4.1.6.6 Early promotion The early promotion of a faculty member with unusually superior qualifications is not precluded by the preceding policies. (See also Section 4.3.9.) [April 2, 1957, Rev. 11-9]

4.1.6.7 Without the Ph.D. or other appropriate terminal degree A faculty member who does not have their final degree (the Ph.D. or other appropriate equivalent degree) at the beginning of the first year of service should have the option of electing to have the first year or (if the degree has not been received by the beginning of the second academic year) the first two years of service at Lafayette not count as part of the probationary period. The decision must be made in accordance with the schedule given in Section 4.1.6.3. [88-13, 94-29]

4.1.6.8 Committee and advising assignments for first-year appointees Faculty members will have neither committee assignments nor advisees during their first year at the College; they will, however, be eligible for both in their second year, whether or not either or both years are counted in the probationary period. [88-15, 99-41]

4.2 Faculty Standard

This section^ is currently under review (to expand the categories that can have significant impacts) pending committee discussion and faculty/board approval.

Decisions respecting tenure and promotion are determined by a merit system designed to evaluate teaching, scholarship, and service. [85-31.10, Rev. 1987, 98-34, 10-33, Board, Oct. 22, 2011]

Individual faculty members are evaluated on the basis of their ability to contribute to the needs of the College and of their department/program and on their own merits, manifested by teaching performance, scholarly achievement, and service. Criteria for promotion and tenure, tenure guidelines, and structural factors are carefully considered, but the importance and difficulty of making judgments concerning the continued professional growth and future contributions by the faculty member as well as the future needs of the institution add an additional significant and inescapable subjectivity to the final judgment. [Added 1982; Rev. 07-44, 10-33, Board, Oct. 22, 2011]

The COVID Public Health Emergency (PHE), which, for the purposes of this handbook section, covers the period from the Spring 2020 semester through the Spring 2023 semester[2], imposed broad, diverse, and significant impacts on teaching, scholarship, and service. In recognition of the COVID-19 PHE, the following guidance will apply to the evaluation of teaching, scholarship, and service in cases when the COVID-19 PHE occurred within the evaluation period (see, also, Appendix X). [Added 20-19, Board, Feb. 26, 2021; Rev. 23-24, Board, May 20, 2024]

The extraordinary demands produced by the COVID-19 PHE have substantially increased the effort required to deliver courses. Because every faculty member's teaching was fundamentally affected by the transition to a remote learning environment, assessments of teaching will explicitly consider that it was necessary for faculty members to quickly adopt new pedagogical approaches under constrained circumstances. Faculty members' reflective responses to these challenges necessarily involve experimentation and are not expected to be uniformly successful. [Added 20-19, Board, Feb. 26, 2021; Rev. 23-24, Board, May 20, 2024]

^A faculty member's additional teaching effort necessarily reduced available time and resources to devote to scholarship and service. Although scholarship is an essential part of the faculty experience, normative expectations for scholarly productivity occurring during the COVID-19 PHE must be recalibrated to account for increased teaching workloads as well as the PHE's heterogeneous and disparate impacts, which may have delayed, disrupted, or halted scholarship activities. [Added 20-19, Board, Feb. 26, 2021; Rev. 23-24, Board, May 20, 2024]

^The COVID-19 PHE's impacts on service were varied. It is understood that faculty members were restricted from in-person meetings and travel for a period of time and most had less time to spend on traditional service to a department/program, the College, or profession, as compared to the usual expectations for tenure and promotion. Expectations for service contributions will be recalibrated for the period during the COVID-19 PHE. At the same time, the impact of increased service responsibilities for some committees and some activities linked to the College's response to the PHE further reduced time spent on scholarship. Such circumstances will be considered in a faculty member's evaluation. [Added 20-19, Board, Feb. 26, 2021; Rev. 23-24, Board, May 20, 2024]

^As the COVID-19 PHE impacted every faculty member's professional and personal life, candidates for tenure and promotion are invited and encouraged, though by no means obliged, to describe and clarify in their self-evaluation the circumstances under which they endeavored to make progress. Furthermore, it is also recognized that there may be downstream effects in the aftermath of the COVID PHE that impact teaching, scholarship, and service. Candidates are invited to describe impacts occurring after the end of the PHE in their self-evaluation. Personal or medical information should not be explicitly divulged. Candidates will be offered flexibility with regard to the self-evaluation page limit, if necessary, to address the PHE's complex, differentiated, and unequal impacts. [Added 20-19, Board, Feb. 26, 2021; Rev. 23-24, Board, May 20, 2024]

4.2.1 Teaching

Teaching is the most important criterion for tenure and promotion. Lafayette College requires distinction in teaching, not simply competence. The College defines distinctive teaching as *organized, engaging, intellectually challenging, reflective, inclusive, and effective instruction that achieves well-conceived learning goals and facilitates student learning*. Distinctive teaching should be evident in a faculty member's overall instructional record at Lafayette College. [Added 10-33 and 10-34, Board, Oct. 22, 2011; Rev. 15-08; 19-31; 20-34, Board, May 14, 2021]

For reviews, candidates need to provide a holistic narrative that uses the characteristics of distinctive teaching listed below to describe how they meet the College's standard. Candidates' self-evaluations and teaching portfolios should include concrete examples of distinctive teaching. Candidates whose programmatic requirements, disciplinary formations, and/or pedagogical

[2] Source: The U.S. Department of Health and Human Services declared the end of the COVID-19 PHE on May 11, 2023.

approaches diverge somewhat from the characteristics below are encouraged to address in their self-evaluation the different ways in which their record does speak to the definition of distinctive teaching. [Added 19-31; Rev. 20-34, Board, May 14, 2021]

A candidate being reviewed for tenure and/or promotion may elect to have their teaching evaluated under any set of criteria that was in effect during their probationary period. *[Added 19-31, Board, May 14, 2021]*

A. Planning and delivering well-organized courses that demonstrate appropriate knowledge of the field of study; [Rev.19-31, Board, May 14, 2021]

B. Conducting individual classroom, laboratory, or studio sessions thoughtfully and effectively; [Rev. 15-08; 19-31, Board, May 14, 2021]

C. Fostering an inclusive learning environment that is responsive to differences among students; [Rev. 15-08; 19-31, Board, May 14, 2021]

D. Engaging and challenging students in their learning; [Rev. 15-08; 19-31, Board, May 14, 2021]

E. Mentoring students in individualized instruction, such as honors theses, independent studies, and/or research projects, so as to successfully advance the students' research skills and/or disciplinary expertise; [Rev. 15-08;19-31, Board, May 14, 2021]

F. Reviewing, providing constructive feedback, and assessing student work based on clear and high standards and in a timely manner; [Rev. 15-08; 19-31, Board, May 14, 2021]

G. Being regularly available and providing effective guidance to advisees, students enrolled in classes, and those seeking advice. [Rev. 15-08; 19-31, Board, May 14, 2021]

Reviews of teaching incorporate a broad range of materials into the review process, which allows candidates and review committees to consult multiple sources of information in considering a candidate's teaching record as a whole. [Added 19-31, Board, May 14, 2021]

4.2.1.1 Means of Assessing Teaching

- Self-evaluation by the candidate (see Section 4.3.4.1)
- Teaching portfolio, as described in Section 4.3.4.3
- Peer evaluation of teaching by Lafayette colleagues in the candidate's department/program, based primarily on the candidate's teaching portfolio and on any classroom observation conducted as described in Section 4.2.1.1.1
- Student evaluations of teaching (see Section 4.2.1.1.2)
- Letters of support from former students and/or colleagues outside the candidate's department/program, at the option of the candidate (see Section 4.3.4.7)

4.2.1.1.1 Classroom Observation of Teaching

Classroom visits by senior members of the Faculty are considered an essential and regular aspect of peer evaluation of teaching. It is hoped that increased awareness of different styles and methods of teaching, as will happen when visits are made, will lead to an improvement of teaching in all academic ranks. [Rev. 14-20]

Peer observation is typically of two kinds: formative (faculty member is observed and provided feedback which only the observed faculty member sees) and evaluative (untenured faculty member or lecturer is observed and provided feedback in a formal report by an observer). The procedures identified below are primarily, but not exclusively, to be used for evaluative observation. [Added 14-20; Rev. 22-35, Board May 19, 2023]

4.2.1.1.1.1 An untenured faculty member or lecturer may choose to initiate and to undergo formative observation in their first year, and is, in fact, encouraged to do so. But normally, no evaluative observation will be conducted during the first year. Normally, at least 50% of all tenured members of the department/program should observe untenured colleagues at least once before the midterm review, and ideally, all tenured members of the department/program will observe the untenured colleagues before the tenure review; the exact number of observations may vary depending on the size of the department/program. Normally, lecturers are expected to be evaluated by at least 25% of all tenured members of the department/program at least once before they are reviewed, and ideally, all tenured members of the department/program will observe the lecturer before the lecturer applies for promotion to senior lecturer; the exact number of observations may vary depending on the size of the department/program. The Department Head/Program Chair shall make every effort to ensure that these visits are scheduled appropriately so as not to become burdensome. [Added 14-20; 22-35, Board May 19, 2023]

In the case of untenured faculty with interdisciplinary program appointments, the untenured faculty's advisory committee, as established in the untenured faculty member's MOU and in accordance with Appendix M.1.4.4 of the *Faculty Handbook*, will perform the responsibilities of tenured departmental/program colleagues. [Added 14-20]

Evaluative observations should be designed to address both breadth and depth of the candidate's teaching. Breadth is achieved when a balance of course types (introductory, survey, upper level, interdisciplinary, etc.) are observed over the probationary period, both pre- and post-midterm. To achieve depth, departments/programs should attempt to have at least some tenured faculty visit the same course both pre- and post-midterm. Members of the candidate's conference committee may be ideal candidates for visiting multiple class sessions over the course of the probationary period. [Added 14-20]

Each academic department/program shall prepare guidelines stating how the College classroom observation procedures will be followed within the department/program. Such guidelines shall identify, given departmental/ program size and relative numbers of senior vs. untenured/lecturer colleagues, the preferred timing and frequency of evaluative observations. The Department Head/Program Chair shall provide a copy of the guidelines to each department/program faculty member and to the Provost and the Promotion, Tenure, and Review Committee. The Dean of the Faculty, in consultation with the Faculty Educational Policy Committee and Provost, shall review each department's/program's guidelines to ensure their consistency with the College procedure, and upon approval, shall post them on the Provost's website. Whenever a new faculty member joins a department/program, the Department Head/Program Chair shall provide the new faculty member with a copy of the Classroom Observation guidelines. [Added 14-20; 22-35, Board May 19, 2023, 23-35]

These guidelines should be reviewed at least every five years. If departmental/program guidelines change, the new guidelines should be sent to the Dean of the Faculty's office for review in consultation with the Faculty Educational Policy Committee. [Added 14-20, 23-35]

4.2.1.1.1.2 To ensure consistency across departments/programs, and to eliminate surprise visits, each evaluative observation should consist of 1) the pre-observation consultation; 2) the pre-observation discussion; 3) the peer observation itself; and 4) the post-observation procedure. [Added 14-20]

1. Pre-observation consultation [Added 14-20]

    a. At the beginning of each academic year (with the exception of the first year), the Department Head/Program Chair will meet separately with each untenured faculty member and/or lecturer to decide which courses will be observed and by whom. Normally, each untenured faculty member and lecturer shall be observed between one and two times per semester and by no more than two senior colleagues per visit. [Added 14-20; 22-35, Board May 19, 2023]

    b. The Department Head/Program Chair will contact the identified tenured faculty members and lecturers to assist in scheduling their observations. [Added 14-20; 22-35, Board May 19, 2023]

    c. The Department Head/Program Chair will provide observers with any necessary information about the peer observation process (such as department/program criteria for the evaluation of teaching, if available). The Department Head/Program Chair should also stress the importance of consistency: the observer should use a similar approach in observing different individuals. [Added 14-20]

    d. The tenured faculty members who are scheduled to observe will contact the untenured faculty member or lecturer (observed) to establish a time for the pre-observation discussion and the observation itself. [Added 14-20; 22-35, Board May 19, 2023]

2. Pre-observation Discussion [Added 14-20]

During this meeting, the person to be observed will share the course syllabus, course learning objectives/outcomes, and goals for the particular class with the observer. The observer will use the evaluation criteria for a quality teacher as defined in Section 4.2.1 above. [Added 14-20]

3. Observation [Added 14-20]

    a. The observer should arrive early to class, choose an unobtrusive seat, and be introduced at the beginning of the session. The observer should not otherwise participate in the class. [Added 14-20]

    b. The observer should take notes during the class (and immediately afterwards, if necessary), to maximize the likelihood of an accurate recollection of the observation. [Added 14-20]

4. Post-observation Procedure [Added 14-20]

    a. A meeting between the observer and the person who was observed will normally be held within two weeks after the observation has occurred. At this meeting, the observer will share what was observed, the observer's evaluation of the class (it may be necessary to articulate or clarify criteria at this time), and any suggestions or advice. [Added 14-20]

b. Within a week after this discussion, the observer will prepare a written report of the observation and the post-observation meeting and provide it to the person who was observed and to the Department Head/Program Chair. The final paragraph of this report should offer a summary of the evaluation. The observer will send a copy of the summary paragraph to the Provost. The untenured faculty member or lecturer will provide copies of all such summaries to the conference committee conducting the untenured faculty member's pre- and post-midterm conferences or lecturers' reviews. At the time of the midterm and tenure reviews for untenured faculty, and when a lecturer applies for promotion to senior lecturer, the Provost will make the summary reports available to the Departmental/Program Review Committee and PTR. [Added 14-20; Rev. 15-10; 22-35, Board May 19, 2023]

c. If the untenured faculty member/lecturer believes that report has misrepresented the observation or discussions, or if the untenured faculty member/lecturer desires to provide additional context, the untenured faculty member/lecturer may produce a written formal response. The untenured faculty member/lecturer submits the response to the Provost, and, at the untenured faculty member's/lecturer's discretion, may also provide a copy to the observer, the Department Head/Program Chair, and the conference committee conducting the pre- and post- midterm conferences/reviews of the lecturer. If the untenured faculty member/lecturer has released the response to the observer, the Department Head/Program Chair, and the conference committee, the Provost will include the response as part of the materials for the Departmental/Program Review Committee at the time of the midterm and tenure reviews for untenured faculty members and when a lecturer applies for promotion to senior lecturer. If the untenured faculty member/lecturer has not released the response to the observer, Department Head/Program Chair, and the conference committee, it will be made available only to PTR at the time of the midterm and tenure reviews for untenured faculty members, or when a lecturer applies for promotion to senior lecturer. [Added 14-20; Rev. 15-10; 22-35, Board May 19, 2023]

d. The department/program annual report must include a section on observation, including information about who was observed, in which classes, and by whom. [Added 14-20]

4.2.1.1.2 Student Evaluation of Teaching

4.2.1.1.2.1 Student evaluations of teaching are to be considered by the Promotion, Tenure, and Review Committee as one of the important measures of a teacher's abilities in the classroom. Consequently, it is expected that all members of the Faculty will participate in the student evaluations in all courses that they teach. The only regular exceptions are independent study and honors courses, internships, and classes with enrollment under five. Individual members of the Faculty who believe that there is reason not to evaluate one or more of their courses according to the College-wide procedure should communicate that reason in a letter sent to the Provost and made available to the Promotion, Tenure, and Review Committee. [85-16, 90-36, 10-34, Board, Oct. 22, 2011]

4.2.1.1.2.2 Student evaluation reports obtained through the College-wide evaluation of teaching will be available to the faculty member being evaluated and to the Provost's Office, to be examined or released only upon written request of the faculty member being evaluated. [90-43, 10-34, Board, Oct. 22, 2011, 12-14, 20-10, Board, Oct. 16, 2020]

4.2.1.1.2.3 The Provost will place only the numerical summaries of student evaluations in a digital file for the use of the Promotion, Tenure, and Review Committee. The comments on the course evaluation form submitted by students as part of the College-wide evaluation of teaching will be included in the file only upon written request of the faculty member being evaluated. See also Sections 4.3.5.1.2, 4.3.5.2.2, and 4.3.5.3.2. [Added 1982; Rev. 07-44, 1992, 10-34, Board, Oct. 22, 2011, 11-9, 12-14, 20-10, Board, Oct. 16, 2020]

4.2.1.1.2.4 The Promotion, Tenure, and Review Committee pays particular attention to trends over the entire period of appointment at Lafayette. [89-24, 10-34, 11-9]

4.2.1.1.2.5 All faculty should familiarize themselves with Appendix V, "Recommended Practices for Departmental/Program and Institutional Interpretation of Student Evaluations." [Rev. 16-46, 20-10, Board, Oct. 16, 2020]

4.2.1.1.3 Teaching in the creative arts

Departments/Programs with members who teach the practice of, or performance in, the creative arts should achieve timely clarity about expectations for such teaching and about any perceived special circumstances and should report such expectations and circumstances to the Promotion, Tenure, and Review Committee. Where the faculty member's teaching consists of directing or conducting, the department/program may wish to devise a supplementary means of evaluation by students involved in the performance. It may be appropriate to have the performance evaluated by outside experts. Departments/Programs may also wish to consider recording performances or ephemeral works of art. [89-24, Rev. 10-34, 11-9]

4.2.2 Scholarship

Scholarship is the second most important criterion in the promotion and tenure review. Candidates are expected to demonstrate scholarly development, accomplishment, and promise. [Rev. 10-33 and 10-35]

A successful scholar

1. is actively engaged in the advancement of knowledge and/or artistic creation;

2. has produced high-quality, original works of scholarship in the form of publications, exhibitions, and/or performances; and

3. participates actively in scholarly discourse with professional peers, such as through involvement in conferences, presentation of invited lectures, or published reviews of other scholars' work. [Rev. 10-33 and 10-35]

4.2.2.1 Means of Assessing Scholarship

- Self-evaluation by the candidate (see Section 4.3.4.1)

- The candidate's list of scholarly activities and accomplishments (see Section 4.3.4.2)

- The candidate's published scholarship and equivalent representations of the candidate's artistic works; recordings or documentation of ephemeral works or performances by a candidate in the creative arts [Rev. 11-9]

- Grant proposals

- Peer evaluation of scholarship by Lafayette colleagues in the candidate's department/program

- Peer review of scholarship by off-campus specialists in the candidate's field

- At the option of the candidate, published reviews of the candidate's publications, exhibits, or performances [Rev. 11-9]

- Reviews solicited by the department/program of ephemeral works or performances by a candidate in the creative arts

- At the option of the candidate, letters of support from scholars having knowledge of any aspect of the candidate's work; see Section 4.3.4.7. [Rev. 10-33 and 10-35, 11-9]

4.2.2.1.1 Each academic department/program shall prepare guidelines stating how the College standards apply in its particular discipline. Such guidelines shall identify the recognized forms of scholarship in the field and shall explain the relative importance of different forms of scholarship for an assessment of a faculty member's scholarship. The Department Head/Program Chair shall provide a copy of the guidelines to each department/program faculty member and to the Provost and Promotion, Tenure, and Review Committee. The Provost shall review each department's/program's guidelines to ensure their consistency with College standards for scholarship, and upon approval, shall post them on the Provost's website. Whenever a new faculty member joins a department/program, the Department Head/Program Chair shall provide the new faculty member with a copy of the guidelines. [Rev. 10-35, Board, Oct. 22, 2011, 11-9]

4.2.2.1.2 Departments/Programs shall review their guidelines at least once every three years to ensure that they are up-to-date with regard to forms of scholarship and types of publication venues. Where a department/program contains more than one discipline, the department/program may submit guidelines for each discipline if it sees fit. Candidates may elect to have their scholarship evaluated under any set of criteria advanced by the department/program during the period under review. [Rev. 10-35, Board, Oct. 22, 2011, 11-9]

Each interdisciplinary program that has one or more faculty positions shall likewise prepare and provide copies of guidelines stating how the College standards apply in the particular interdisciplinary field. [Rev. 10-35, Board, Oct. 22, 2011]

4.2.2.1.3 Because scholarly production is in part determined by the particular discipline, the stage of an individual candidate's professional career, and the nature of particular research projects, the Promotion, Tenure, and Review Committee believes it inappropriate to specify College-wide expectations in quantitative terms. Moreover, it does not assume that there is any single acceptable model of scholarly activity. [89-24, Rev. 10-35, Board, Oct. 22, 2011]

4.2.2.1.4 In evaluating scholarship, the Promotion, Tenure, and Review Committee seeks assessments of scholarly contributions from two primary sources: colleagues and off-campus peers. Department/Program colleagues provide valuable judgments concerning the quality of the candidate's scholarship and the promise of continued scholarly growth. Off-campus peers who are specialists in the candidate's particular field provide valuable supplements to department/program colleagues' assessments. [89-24, 95-03, Board, March 30, 1996, Rev. 10-35, Board, Oct. 22, 2011]

4.2.3 Service

The third criterion for tenure and promotion is service, which is given less weight than teaching and scholarship. Candidates are expected to demonstrate active service engagement with the (1)

department/program, (2) College beyond the department/program, or (3) professional community beyond the College. Candidates for promotion to the rank of Professor are also asked to demonstrate leadership in service; see Section 4.1.5.4.2. [Rev. 10-33 and 10-36, Board, Oct. 22, 2011, 11-9; Rev. 20-53, Board, Oct. 2, 2021]

Examples of the types of service in each of the three categories include:

1. Department/Program

    a. faculty searches
    b. work on curriculum
    c. organizing department/program events
    d. advising departmental/program student organizations
    e. efforts to advance diversity, equity, inclusion, and social justice initiatives [Added 20-53, Board, Oct. 2, 2021]

2. College beyond the Department/Program

    a. participation on elected and appointed committees
    b. presentations and/or participation in various campus forums (enrichment of College life)
    c. participation in Admissions events
    d. actions taken on behalf of the Faculty, student groups, the administration, the Alumni Association, the Board of Trustees
    e. efforts to advance diversity, equity, inclusion, and social justice initiatives [Added 20-53, Board, Oct. 2, 2021]

3. Professional service beyond the College [Rev. 11-9]

    a. refereeing for presses and journals
    b. review of grant proposals
    c. administrative roles in professional societies
    d. service to the local community using the candidate's professional expertise [Added 10-36, Board, Oct. 22, 2011]
    e. efforts to advance diversity, equity, inclusion, and social justice initiatives [Added 20-53, Board, Oct. 2, 2021]

4.2.3.1 Means of Assessing Service

- Self-evaluation of service by the candidate [Rev. 20-53, Board, Oct. 2, 2021]
- The candidate's annotated list of service activities and accomplishments (see Section 4.3.4.2) [Rev. 18-17, Board, Dec. 13, 2018]
- Letters from colleagues, former students, and/or members of the local community [Added 10-36, Board, Oct. 22, 2011]

4.2.3.2 Means of Assessing Service Leadership for Promotion to Professor [Added 20-53, Board, Oct. 2, 2021]

In addition to the means of assessing service denoted in 4.2.3.1, candidates for promotion to the rank of Professor should clearly describe in their self-evaluation how they demonstrated leadership in their department/program, the College beyond the department/program, or profession outside of the College within the context of their service contributions. [Added 20-53, Board, Oct. 2, 2021]

There are many different ways this requirement can be fulfilled. Although leadership can be demonstrated while serving as a Department Head/Program Chair, elected/appointed committee chair, or journal/book series editor, as well as other titled positions, candidates can also demonstrate leadership in service without holding formal leadership positions. The

following list provides a few examples of efforts where leadership might be demonstrated: [Added 20-53, Board, Oct. 2, 2021]

- Developing or leading curricular reform initiatives at the department/program or College level. [Added 20-53, Board, Oct. 2, 2021]
- Developing or leading campus-wide initiatives that enrich the life of the College. [Added 20-53, Board, Oct. 2, 2021]
- Serving on organizing committees for professional conferences or serving on the Governing Board (or similar leadership committee) of a professional society. [Added 20-53, Board, Oct. 2, 2021]
- Developing or leading community engagement initiatives that draw from the candidate's professional expertise. [Added 20-53, Board, Oct. 2, 2021]

4.3 The Review Processes

The specific goals of the review processes are to 1) evaluate the faculty member's progress and accomplishments in teaching, scholarship, and service, 2) provide advice and guidance to help faculty members achieve their full potential within the context of the department's/program's and the College's mission and goals, and 3) ensure, through the tenure and post-tenure review procedures, that the Faculty will continue to consist of individuals who are quality teachers, successful scholars, and engaged members of the academic community. Thus, the pursuit of an excellent Faculty is the overall goal of the review procedures. [Added 10-33, Board, Oct. 22, 2011]

4.3.1 Definitions [Added 11-9]

4.3.1.2 *Conference Committee*: the group that conducts a pre-midterm or post-midterm conference; see Section 4.3.5.1. [Added 11-9]

4.3.1.3 *Departmental/Program Review Committee*: those department/program members who meet to evaluate the candidate's teaching, scholarship, and service. The composition of the Review Committee depends upon the case: [Rev. 10-37 and 10-44, Board, Oct. 22, 2011, 11-9]

Midterm review: Department Head/Program Chair + tenured members [Rev. 10-37, Board, Oct. 22, 2011, 11-9]

Tenure review for an assistant professor: Department Head/Program Chair + tenured members [Rev. 10-44, Board, Oct. 22, 2011, 11-9]

Tenure review for an untenured associate professor: Department Head/Program Chair + tenured members [Rev. 11-9]

Tenure review for an untenured full professor: Department Head/Program Chair + tenured full professors [Rev. 11-9]

Promotion review for a tenured associate professor: Department Head/Program Chair + tenured full professors [Rev. 11-9]

4.3.1.3.1 Those who are eligible to serve on a Departmental/Program Review Committee but who do not participate and vote (because of a sabbatical leave or leave of absence, for example) are eligible to review all documents pertaining to the case. Such persons may submit a letter of evaluation and recommendation to the Provost, noting in the letter whether they have read the entire file. [Rev. 11-9]

4.3.1.3.2 While serving as a full-time administrator, a tenured member of the Faculty will not participate in any Departmental/Program Review Committee. [01-13]

4.3.1.3.3 If a situation arises where there are fewer than three members on a Departmental Review Committee (DRC) or a Program Review Committee (PRC), the Department Head (DH) or Program Chair (PC), the candidate, and the Dean of the Faculty should, by mutual agreement, select appropriate tenured faculty members to be asked to serve on the DRC/PRC. This should be done prior to the deadline for submitting a list of external reviewers (for tenure or promotion cases) or the deadline for submitting materials for review (for midterm cases). The resulting DRC /PRC should have a total of three members. The members of the DRC/PRC may be from different academic disciplines but must hold the promotion level commensurate with the type of review, as outlines in Section 4.3.1.3. If the candidate is the Department Head or Program Chair or if the DH/PC cannot participate in the process, then the candidate and the Dean of the Faculty should work together to choose faculty members for the DRC/PRC as well as who will serve as its chair. [22-28, Board May 19, 2023]

4.3.1.4 *the file*: the "materials for review"; following the departmental/program review, the Provost adds to the file the Departmental/Program Review Committee letter, letters from individual members of the Departmental/Program Review Committee (in tenure or promotion cases), and the candidate's response, if any. (See Section 4.3.4.) [Added 11-9]

4.3.1.5 *letter of evaluation*: a letter written by a person who serves, or is eligible to serve, on a candidate's Departmental/Program Review Committee; this letter is sometimes described as a "letter of evaluation and recommendation" (see Sections 4.3.1.3.1 and 4.3.6.h); alternatively, a letter by a person outside the candidate's department/program evaluating interdisciplinary teaching (see Sections 4.3.5.2.1 and 4.3.5.3.1). [Added 11-9]

4.3.1.6 *letter of support*: a letter invited by the candidate (see Section 4.3.4.7). [Added 11-9]

4.3.1.7 *external review letter*: see Section 4.3.4.6. [Added 11-9]

4.3.2 General Review Policies

4.3.2.1 The Provost refers recommendations for change in status to the Promotion, Tenure, and Review Committee for its consideration. The Committee reports to the President. [Added 1976, Rev. 1979]

4.3.2.2 The Promotion, Tenure, and Review Committee has been authorized by the Faculty to delegate certain responsibilities to the Provost: [14-04]

consideration of reappointment recommendations and four- and seven-year reviews of tenured faculty members.

Further, the Committee has been authorized to delegate review of part-time faculty members to the Dean of the Faculty. [14-04]:

In all cases, if these responsibilities are delegated, this will be done with the understanding that the Provost or the Dean of the Faculty will seek the advice of the Promotion, Tenure, and Review Committee in cases when either the Provost, the Dean of the Faculty, or the faculty member involved wishes. [90-52, 95-1, 11-9, 14-04]

4.3.2.3 The President receives the advice of the Promotion, Tenure, and Review Committee and submits recommendations for award of tenure or for promotion to the Board's Committee on Educational Policy. Tenure is awarded by vote of the Board of Trustees. [Added 1976, Rev. 1977]

4.3.2.4 Only the President or the Provost, acting upon authority of the Board, can issue authoritative statements concerning appointment, reappointment, promotion, or award of tenure. [Added 1976]

4.3.2.5 In any review, a tenure-track faculty member is evaluated with respect to their performance in teaching, scholarship, and service. In any review, a Lecturer/Senior Lecturer is evaluated with respect to their performance in teaching and any additional duties associated with their position as described in their memorandum (see Section 4.1.5.5.1.1). [10-37, Board, Oct. 22, 2011; 11-9; 22-32, Board May 19, 2023]

4.3.2.6 In any review, the faculty member receives a copy of the Departmental/Program Review Committee's letter and has the right to respond. [Rev. 10-37, Board, Oct. 22, 2011, 11-9]

4.3.2.7 The Provost may obtain additional information from outside the department/program and from other sources, such as alumni/ae, and will ordinarily accept for inclusion in the file relevant material submitted by colleagues or others familiar with the performance and potential of the candidate. [Added 1982; Rev. 07-44, 1992, Rev. 10-34, Board, Oct. 22, 2011, 11-9]

4.3.2.8 All materials available to the Promotion, Tenure, and Review Committee also are made available to the faculty member being reviewed and the Departmental/Program Review Committee; both the faculty member and the Departmental/Program Review Committee are given an opportunity to respond. [Added 1982; Rev. 07-44, 90-9, 92-37, 1993, 94-30, 99-10, 10-50, Board, Oct. 22, 2011, 11-9]

4.3.2.9 Those who provide external reviews, letters of evaluation, or letters of support for any faculty review process are informed that their materials will be made available to the faculty member being reviewed, the Departmental/Program Review Committee, and the Promotion, Tenure, and Review Committee. [Added 1982; Rev. 07-44, 90-9, 92-37, 1993, 94-30, 99-10, 10-50, Board, Oct. 22, 2011, 11-9]

4.3.3 The Timeline

The following table represents the approximate dates for receipt and distribution of review materials. The Provost will announce the specific dates each year. The dates are intended to enable candidates to learn of the decisions as soon as possible. They are not deadlines in the strict sense that failure to meet them would constitute procedural impropriety. [Rev. 11-9, Board Feb. 14, 2012, 11-9; 22-34, Board May 19, 2023]

DH/PC = Department Head/Program Chair [Rev. 11-9]

DRC/PRC = Departmental Review Committee/Program Review Committee [Rev. 11-9]

Materials listed are to be provided by the candidate except as otherwise noted. [Rev. 11-9, 14-36]

	Midterm	**Tenure**	**Promotion to Professor**	**Promotion to Senior Lecturer**
Due to the Office of the Provost: Formal notify Provost if faculty wishes to come up for tenure review and/or promotion review		December 15	December 15	December 15
Due to the Office of the Provost: List of Suggested External Evaluators, CV, Scholarship Description, and Materials List for external reviewers	-	January 25	January 25	-
Due to DHPC and the Office of the Provost: List of individuals invited to write letters of support from Candidate	-	March 26	April 30	March 26
Due to the Office of the Provost: Final revised materials for External Reviewers from Candidate	-	March 26	April 30	-
Due to the Office of the Provost: Letters from External Reviewers	-	July 15	August 10	-
Due to the Office of the Provost: Letters from those invited to write letters of support	-	July 15	August 10	July 15
Due to the Office of the Provost: DH/PC letters evaluating interdisciplinary teaching (where applicable)	January 5	July 15	August 10	July 15
Candidate Releases File to DRC/PRC	January 15	August 12	September 10	August 12
Due to the Office of the Provost: DRC/PRC Evaluation and Recommendation Letter	February 12	September 15	October 8	September 15
Due to the Office of the Provost: DRC/PRC members' individual letters		One week after submission of DRC/PRC letter	One week after submission of DRC/PRC letter	One week after submission of DRC/PRC letter

4.3.4 Materials for Review

Many of these materials are contributed by the faculty member; others, including letters by persons nominated by the faculty member, are assembled by the Provost's Office. Some of the most important of these materials are described here. (Student evaluations are treated in Section 4.2.1.1.2.) [Added 11-9]

4.3.4.1 The Self-Evaluation The self-evaluation should describe and explain the candidate's teaching, scholarship, and service, noting their significance to the College and the profession and to the candidate's developing career. The self-evaluation should address how the teaching, scholarship, and service meet the College and department/program standards. The candidate may include explanatory or amplificatory material that the candidate considers relevant. In discussing scholarship, the candidate should note what part of their scholarly work was done while at Lafayette. The self-evaluation should be no more than 10 pages, single-spaced for a midterm review, with an additional description (no more than two pages) of plans and goals for the research leave; and no more than 20 pages, single-spaced for a tenure and/or promotion review. [Added 1982; Rev. 07-44, 1997, 2004, 10-38, 10-40, and 10-43, Board, Oct. 22, 2011, 11-9, 18-13, Board, Dec. 13, 2018]

4.3.4.2 The Curriculum Vitae This document should include (among other things) the dissertation title, date, and adviser; a list of courses taught, honors projects, independent study projects, internships, and other teaching activities; a list of all publications and artistic works, conference presentations, and other scholarly activities; and a chronological list of service to the department/program, the College, and the profession. [Rev. 10-43, Board, Oct. 22, 2011, 11-9]

4.3.4.3 Teaching Portfolio An integral part of the peer review process, the teaching portfolio is designed to help provide a clear and accurate picture as possible of the individual faculty member's teaching responsibilities, goals, strategies, achievements, and plans. [95-03, Board, March 30, 1996, Rev. 10-43, Board, Oct. 22, 2011, 18-14, Board, Dec. 13, 2018]

To that end, the faculty member should include in the teaching portfolio:

a. a record of sections of courses taught, with enrollments

b. representative syllabi for all courses taught

c. a representative sampling of course materials that exemplifies the faculty member's teaching, particularly in relation to the College's teaching standards, rather than a comprehensive collection [Rev. 18-14, Board, Dec. 13, 2018]

d. a statement, including numbers, of academic advising responsibilities

e. a list of consulting projects, when it can be demonstrated that such consulting enhanced teaching effectiveness. [Rev. 11-9]

4.3.4.4 Scholarship Portfolio The scholarship portfolio should contain copies of published work and other scholarly materials. The candidate may also provide supplementary information that the candidate believes will enable the department/program and the Promotion, Tenure, and Review Committee to get a fuller picture of the candidate's scholarly/artistic achievements. Such information may include, for example, reviews of books or articles, listing of citations of the candidate's work, and references to awards. [Added 10-43, Board, Oct. 22, 2011, Rev. 11-9]

4.3.4.5 Annotated Service List The annotated service list should contain a record of the candidate's service activities accompanied by dates and a brief description of the nature of

the candidate's particular contributions. Candidates for promotion to Professor may choose to include additional materials if an annotated list is inadequate for providing evidence of leadership in service. [Added 10-43, Board, Oct. 22, 2011, Rev. 11-9, 18-15, Board, Dec. 13, 2018]

4.3.4.6 External Reviews The review of professional contributions by off-campus experts is mandatory for all candidates for tenure and/or promotion. [85-31.6, 92-24, 00-7], 10-40, Board, Oct. 22, 2011]

4.3.4.6.1 External reviews supplement and do not replace internal review of written material, creative work, and professional activities which are outgrowths of the faculty member's academic discipline. Off-campus review is done in the context of Lafayette's mission and goals and not those of a research-oriented university. [85-31.6, 92-34, 10-40, Board, Oct. 22, 2011]

4.3.4.6.2 List of reviewers It is the expectation of the Promotion, Tenure, and Review Committee that normally external reviewers will be senior faculty members from four-year colleges (or from universities) with research expectations at least comparable to those at Lafayette. In some fields, reviews from industrial labs, government agencies, or other sources may be appropriate. In cases where these guidelines pose difficulties for the individual, the candidate should discuss the matter with the Department Head/Program Chair and the Provost. After consultation with the Department Head/Program Chair and the Provost, the candidate for tenure and/or promotion provides the Provost with a list of ten potential external reviewers who can offer expert and disinterested reviews of the candidate's work. All candidates also forward a brief statement of the suitability of the potential external reviewers and their relationship, if any, to the candidate. Co-authors, co-grantees, or dissertation supervisors may not be part of the list. (Persons excluded from being listed as potential external reviewers could be invited to write letters of support; see Section 4.3.4.7.) In general, however, a professional relationship with a potential external reviewer need not in and of itself disqualify a person from being on the list. To provide members of the Promotion, Tenure, and Review Case Committee with guidance in reviewing the list, the candidate should also provide a brief curriculum vitae, a description (no more than one page) of the nature of the candidate's scholarship, and a list of materials that will be submitted to the reviewers. [Rev. 1991, 92-36, 99-11, 10-40 and 10-43, Board, Oct. 22, 2011, 11-9, 17-07, Board, Oct. 21, 2017, 18-18, Board, Dec. 13, 2018]

4.3.4.6.2.1 The Provost, after consultation with the Promotion, Tenure, and Review Committee, selects four reviewers from the list. The candidate should not discuss with any actual or potential external reviewer the reviewer's willingness to serve as a reviewer or the nature of these external reviews. It will be the responsibility of the Provost to establish contact with potential reviewers, to ascertain their willingness to serve in that capacity, and to respond to any reviewer's questions about the process. [92-36, Rev. 1998, 10-40, Board, Oct. 22, 2011, 17-07, Board, Oct. 21, 2017; 24-13, Board Mar. 1, 2025]

4.3.4.6.3 Materials for reviewers The candidate, with the advice of the Department Head/Program Chair, selects the material to be submitted for external review. Such material may include published results of research, applied or theoretical, creative work in the arts, books and reviews, consultation and technical assistance activities, clinical work, grant proposals, and other evidence of professional activity and development. Activities of the faculty member who serves as an expert witness, judges an art show, evaluates proposals, produces a painting, arbitrates a labor dispute, works as a therapist, or performs a concerto fall into this category. [85-31.6, 92-35, 10-40, Board, Oct. 22, 2011]

4.3.4.6.3.1 The candidate sends a complete set of scholarly materials to the Provost to be provided to the reviewers, including a complete curriculum vitae, a description (no more than one page) of the nature of the candidate's scholarship, and a cover sheet listing the titles of materials being submitted for review. [85-31.6, 92-36, 94-18, 10-40, 10-43, Board, Oct. 22, 2011, 11-9, 18-18, Board, Dec. 13, 2018; 22-37, Board May 19, 2023]

4.3.4.6.4 Letters to reviewers The Provost writes to the four selected persons, requesting review of the materials. Normally, a standard letter, available to the candidate, will be used (see Section 4.3.4.6.4.1). (If for any reason a standard letter is not used, the Provost's Office will arrange for the candidate to review the letter before it is sent to the external reviewer.) The letter includes a statement of the College's policies respecting the external review process. External reviewers are informed that they are requested to offer an estimate of the professional achievement and promise of the candidate based on the materials submitted and are not requested to offer a recommendation of whether or not the candidate is deserving of tenure or promotion at Lafayette College. External reviewers are asked to send their review on a page (or pages) separate from any cover letter that may accompany it. [85-31.6, Rev. 1991, 92-37, 10-40, Board, Oct. 22, 2011]

4.3.4.6.4.1 Standard Letter from Provost to External Reviewers of Assistant Professors [Added 10-40, Board, Oct. 22, 2011, Rev. 11-9, Rev. 23-31, Board May 20, 2024]

Dear Professor X:

Thank you for agreeing to serve as an external reviewer of Assistant Professor X in the review of [candidate's name] candidacy for promotion to Associate Professor in the Department/Program of X at Lafayette College.

I enclose materials that have been assembled by Professor X as evidence of [the candidate's] scholarly accomplishments and promise. As you review these materials, we ask you to keep in mind the context within which Professor X conducts their work. Lafayette College is an undergraduate institution with programs in liberal arts, sciences, and engineering. Scholarly activity and development are expected and highly valued but occur in an environment in which teaching is primary. It may also be useful to know that in some departments/programs, particularly in the sciences and engineering, faculty members are expected to develop some part of their research program in such a way that undergraduates may participate in it.

If the COVID-19 pandemic occurred during the candidate's evaluation period as defined in Section 4.2, include the following additional statement: Note that as a result of Lafayette's teaching focus, the COVID-19 pandemic significantly affected teaching responsibilities and meaningfully reduced time for scholarship during the period from the Spring 2020 semester through the Spring 2023 semester. [Added 20-19, Board, Feb. 26, 2021, Rev. 23-31, Board May 20, 2024]

This request is a standard element in our review process. Your report will form part of the record to be examined by the Faculty Committee on Promotion, Tenure, and Review, which includes faculty members from the arts and humanities, social sciences, natural sciences, and engineering divisions. Because of the diversity of backgrounds of those on the Committee, external review by scholars from the candidate's discipline is particularly valuable.

To ensure consistency with other letters which have been solicited, it would be helpful if you would address the following points:

1. How important is the individual's scholarship?
2. Is it of high quality? Does it make a contribution to the field?
3. How does it compare to the work of others? Specifically, considering the nature of Lafayette College described above, how would you compare Professor X's achievements to those of other scholars in the discipline who are at a similar stage in their careers?
4. Does it show promise for continuing development?

You are not being asked to make a specific recommendation with respect to the tenure of Professor X.

In accordance with Lafayette policy, candidates are provided access to external review reports. However, it is normally expected that candidates will not see any identifying information, such as external reviewers' names, titles, or institutional affiliations. Therefore, we request that you send your review on a page (or pages) separate from any cover letter that may accompany it. Only the review itself will be made available to the candidate. Your full review, including identifying information, will be made available to tenured members of the candidate's department/program and to the Promotion, Tenure, and Review Committee to assist them in their evaluation.

Please submit your report to me as soon as possible but no later than X, so that the Committee will have time to consider it. The materials which are enclosed need not be returned to me and are yours to dispose of as you wish.

Thank you for your willingness to assist us.

(With necessary changes, this letter is also sent to reviewers of associate and full professors. In cases involving promotion to full professor, the letter mentions the date of tenure.) [Rev. 11-9]

4.3.4.6.5 Receipt of external reviews The external reviews are returned to the Provost and become part of the candidate's file. A reviewer's identity, title, or institutional affiliation will not be disclosed to the candidate. The candidate may respond in writing to the external reviews and is urged to do so promptly, so that any response will be considered by the Departmental/Program Review Committee. [85-31.6, Rev. 1991, 92-38, 10-40, Board, Oct. 22, 2011, 11-9]

4.3.4.6.5.1 Each external review and any response(s) by the candidate are available in the Office of the Provost for review by members of the Departmental/Program Review Committee, who should arrange to review the documents before the Committee meets to consider the candidate and before writing their letters of evaluation. It is a violation of the candidate's right of confidentiality, and therefore inappropriate, for any of the participants in these discussions to divulge the contents of the external reviews to anyone who is not authorized to participate in the review process. It is expected that all will maintain the confidentiality of that information. [92-38, 94-30, 10-40, Board, Oct. 22, 2011, 11-9]

4.3.4.6.5.2 Each external review letter and each response by the candidate, if any, will be made available to members of the candidate's Promotion, Tenure, and Review Case Committee and to the President, and, in the event of an appeal from a negative recommendation, will be part of "the file" as defined in Section 4.3.1.4. [Rev. 10-40, Board, Oct. 22, 2011, 11-9, 17-07, Board, Oct. 21, 2017]

4.3.4.7 Letters of Support In addition to the list of ten potential external reviewers described in 4.3.4.6.2, the candidate may prepare a list of persons having pertinent knowledge of any aspect of the candidate's work to be invited to write letters of support. [Rev. 10-40 and 10-43, Board, Oct. 22, 2011, 11-9]

4.3.4.7.1 Normally, this list is presented to the Department Head/Program Chair, who invites the persons listed to submit letters directly to the Provost and the Promotion, Tenure, and Review Committee. The Department Head/Program Chair may provide to any of the invitees a current copy of the candidate's curriculum vitae. These letters do not serve the same function as external reviews; however, such individuals may have access to any portion of the candidate's work that the invitee and the candidate deem appropriate. The candidate and members of the Departmental/Program Review Committee may review the letters of support in the Office of the Provost. [99-11, Rev. 10-40 and 10-43, Board, Oct. 22, 2011, 11-9]

4.3.4.7.2 Who may not write a letter of support Letters of support will not be accepted from a candidate's departmental/program colleagues of lesser rank, from persons listed as potential external reviewers, from persons eligible to write letters of evaluation, or from members of the Promotion, Tenure, and Review Committee who will be considering the candidate. On the distinction between letters of support and letters of evaluation, see Sections 4.3.4.7 and 4.3.1.5. [Added 10-40 and 10-43, Board, Oct. 22, 2011, 11-9]

4.3.5 Pre-Tenure Materials and Reviews; Tenure/Promotion Materials

4.3.5.1 Pre- and Post-Midterm Conferences

Untenured assistant and associate professors are evaluated by way of a departmental/program conference prior to the midterm review. An untenured assistant professor also normally participates in a post-midterm conference during the year following a research leave. (See Section 4.1.6 for a delineation of the probationary period.) [Added 10-37, Board, Oct. 22, 2011, 11-9]

4.3.5.1.1 The departmental/program conference will entail a meeting between the untenured faculty member and a committee (the conference committee) made up of the Department Head/Program Chair and one or two tenured members of the department/program selected, in consultation with the Department Head/Program Chair, by the untenured faculty member. [Added 1975, 85-31.2, Rev. 1990, 1991, 93-30, 98-27, 10-37, Board, Oct. 22, 2011, 12-20]

4.3.5.1.2 Materials for review Prior to the pre-midterm or post-midterm departmental/program conference, the untenured faculty member submits to the conference committee a brief self-evaluation, teaching and scholarship portfolios, student evaluations, annual Professional Activities Forms, an updated curriculum vitae, and classroom observation summaries. For the post-midterm conference, the conference committee will also consider the Departmental/Program Review Committee's midterm letter, the midterm report from the Promotion, Tenure, and Review Committee, the research leave report, and, at the faculty member's discretion, any response to the midterm report that the candidate may have offered. [Rev. 10-37, Board, Oct. 22, 2011, 11-9, 12-30, 14-20]

For a description of the self-evaluation, curriculum vitae, and portfolios, see Sections 4.3.4.1 through 4.3.4.5. [Rev. 11-9]

4.3.5.1.3 The purpose of the meeting with the conference committee is to review the untenured faculty member's teaching, scholarship, and service record to date, identify accomplishments and areas for further development and growth, chart a tentative path for the coming year(s), and address any questions or concerns the faculty member may have. [Added 10-37, Board, Oct. 22, 2011, Rev. 11-9, 12-30]

Conference report The conference committee prepares a written conference report within approximately three weeks summarizing the discussion during the meeting, evaluating the professional development of the faculty member, and offering direction and guidance for continued professional growth and development. The conference report is shared with the untenured faculty member. If the untenured faculty member requires any clarification regarding the report, the untenured faculty member may request it within two weeks from the members of the conference committee. Having received the report, and any requested clarifications, the faculty member signs the report to acknowledge that the report has been read by the untenured faculty member. The conference report along with a copy of the self-evaluation and curriculum vitae are sent by the Department Head/Program Chair to the Provost by May 1. A copy of the signed conference report is provided to the untenured faculty member. [Added 10-37, Board, Oct. 22, 2011, Rev. 11-9, 12-30]

4.3.5.1.4 If the faculty member disagrees with the conference report, the faculty member may send a written response to the Department Head/Program Chair, with a copy to the Provost. [Added 1987, Rev. 1995, 10-37, Board, Oct. 22, 2011, 11-9]

Following the conference meeting, the Department Head/Program Chair shares the signed conference report and any response to it by the untenured faculty member with the tenured members of the department/program. [Added 1987, Rev. 1995, 10-37, Board, Oct. 22, 2011, 11-9]

4.3.5.2 Midterm Review

4.3.5.2.1 In the midterm review process, the faculty member under review provides the Departmental/Program Review Committee and the Promotion, Tenure, Review Committee with materials relevant to the faculty member's teaching performance, scholarly contributions (including plans for continued professional growth), and service. The self-evaluation should be accompanied by an additional description (no more than two pages) of the candidate's plans and goals for a research leave. The Department Head/Program Chair may request a letter or letters of evaluation from a member or members of the Lafayette Faculty, outside the candidate's department/program, who are well suited to review the candidate's interdisciplinary teaching. These letters should be sent to the Provost. [85-31.2, Rev. 1987, 94-45, 98-34, 07-7, 10-35 and 10-38, Board, Oct. 22, 2011, 11-9, 18-20, Board, Dec. 13, 2018; Rev. 19-29, Board, Feb. 26, 2021]

4.3.5.2.2 The candidate will make available the following materials: [Added 10-38, Board, Oct. 22, 2011; Rev. 19-29, Board, Feb. 26, 2021]

- Self-evaluation: The self-evaluation should be no longer than 10 pages, single-spaced (see Section 4.3.4.1 for a description of the self-evaluation), with an additional description (no more than two pages) of plans and goals for the research leave [Rev. 18-20, Board, Dec. 13, 2018]

- Curriculum vitae (see Section 4.3.4.2)

- Portfolios of teaching and scholarship and an annotated service list (see Sections 4.3.4.3-5) [Rev. 18-20, Board, Dec. 13, 2018]

4.3.5.2.3 In order to ensure that the Departmental/Program Review Committee and the Promotion, Tenure, and Review Committee have access to similar files assembled for review purposes, the Provost will make available the following review materials at the time of the midterm review: [Added 10-38, Board, Oct. 22, 2011, Rev. 11-9; Rev. 19-29, Board, Feb. 26, 2021]

- Letters of evaluation (if any) from other members of the Lafayette Faculty assessing the candidate's interdisciplinary teaching [Rev. 11-9]

- Reappointment letters

- Professional Activities Forms

- Pre-midterm conference report

- Response (if any) to pre-midterm conference report

- Classroom observation summaries [Added 14-20]

- A summary of the numerical medians and the aggregated numerical responses for each course's student evaluations. [Rev. 11-9, 12-14; Rev. 19-29 and 20-22, Board, Feb. 26, 2021]

- The comments on the course evaluation form submitted by students as part of the College-wide evaluation of teaching will be included in the file only upon written request of the faculty member being evaluated. [Rev. 19-29 and 20-22, Board, Feb. 26, 2021]

4.3.5.2.4 The candidate inspects their midterm file and has the right to respond to any or all of the materials by memorandum to the file, and at the discretion of the candidate, some or all of such response(s) will be made available to members of the

Departmental/Program Review Committee. Once the candidate has had an opportunity to respond and has given permission to release the file, the Provost provides the file to the candidate's Departmental/Program Review Committee. [Added 10-38, Board, Oct. 22, 2011, Rev. 11-9; 19-29, Board, Feb. 26, 2021]

4.3.5.2.5 Departmental/Program Review Committee Procedures The Department Head/Program Chair holds a meeting or meetings of the Departmental/Program Review Committee. At the beginning of the discussion, the Department Head/Program Chair confirms that each participant has read the entire file and Appendix V, "Recommended practices for departmental/program and institutional interpretation of student evaluations." [Rev. 10-38, Board, Oct. 22, 2011, 11-9, 18-28, Board, Feb. 23, 2019]

a. The Departmental/Program Review Committee evaluates the record of the faculty member under review, using the College and departmental/program standards for teaching, scholarship, and service. The Committee also discusses the programmatic needs (present and future) of the department/program and the College and offers comments on the proposed leave's potential for advancing the candidate's scholarly development. [Rev. 11-9]

b. If the Departmental/Program Review Committee requests additional information, the following procedure will be followed. All communication concerning requests for additional information or documentation from the candidate must be in writing from the Chair of the Review Committee on behalf of that committee. Each of these requests must include a statement that contextualizes and clearly states the relevance of the request. All requests must be submitted to both the candidate and the Provost, who will determine the appropriateness of the request. The Provost may reject or limit requests for information or documentation within 2-3 business days of the initial request. Candidates may also seek the confidential advice of the Office of the Provost before responding to any request. If the Provost does not reject the request, the candidate will have 5 business days from the initial request date to provide information. Under rare circumstances, the candidate may request additional time, if necessary, from the Provost. The Committee will not conclude its deliberations until it is in receipt of the requested information or the candidate's time limit has expired. Additional information and responses (if any) from the candidate will be made part of the file, but the file will not include rejected requests for information. [Rev. 11-9, Rev 22-04, Board, Dec 6, 2022]

c. Following the Departmental/Program Review Committee's deliberations, the Department Head/Program Chair prepares a letter detailing the Departmental/Program Review Committee's evaluation of the candidate and the proposed leave as well as the programmatic needs of the department/program. A recommendation regarding reappointment should also be included. This letter should include the signatures of those who participated in the meeting(s). The Department Head/Program Chair submits the letter to the Provost, with copies to the candidate and to the members of the Departmental/Program Review Committee. [85-31.2, Rev. 1987, 04-17, Board Jan. 29, 2005, 07-7, 10-38, Board, Oct. 22, 2011, 11-9, 17-07, Board, Oct. 21, 2017; Rev. 19-29, Board, Feb. 26, 2021]

4.3.5.2.6 The Departmental/Program Review Committee's letter is added to the faculty member's review file. The faculty member under review has the opportunity to respond to the Departmental/Program Review Committee's letter. Their response, if any, is submitted to the Provost and is available to the candidate's Promotion, Tenure, and Review Case Committee when it conducts its midterm review of the faculty member. The

response of the faculty member under review is made available to the members of the Departmental/Program Review Committee at the candidate's discretion. [85-31.2, Rev. 1987, 04-17, Board Jan. 29, 2005, 10-38, Board, Oct. 22, 2011, 11-9, 17-07, Board, Oct. 21, 2017; Rev. 19-29, Board, Feb. 26, 2021]

4.3.5.2.7 The candidate inspects their midterm file and has the right to respond to any or all of the materials by memorandum to the file, and at the discretion of the candidate, some or all of such response(s) will be made available to members of the Departmental/Program Review Committee. Once the candidate has had an opportunity to respond and has given permission to release the file, the Provost provides the file to the candidate's Promotion, Tenure, and Review Case Committee. [19-29, Board, Feb. 26, 2021]

4.3.5.2.8 Promotion, Tenure, and Review Committee Procedures The Committee follows the procedures set forth in Section 4.3.7. [11-9, Rev. 17-07, Board, Oct. 21, 2017; Rev. 19-29, Board, Feb. 26, 2021]

4.3.5.2.9 Disposition of midterm report After the Promotion, Tenure, and Review Case Committee conducts its midterm review of the untenured faculty member, it provides the faculty member with a report of that evaluation, indicating strengths and weaknesses compared to College and departmental/program standards for teaching, scholarship and service, and areas in need of improvement. The report includes a recommendation concerning reappointment. It is to be understood that a favorable evaluation at the time of the midterm review does not offer any guarantee of subsequent tenure and promotion. A negative decision concerning reappointment will result in a terminal contract and denial of the research leave. The Department Head/Program Chair is provided with a copy of the report and will make this report available to members of the Departmental/Program Review Committee. The candidate may reply to the report, through a memorandum to the Provost, or request that the Departmental/Program Review Committee reply on the candidate's behalf. The candidate will have an opportunity to review and reply to any replies from the Review Committee. Any such replies will be attached to the midterm report and will become part of the tenure file. [Rev. 1987, 1995, 04-17, Board Jan. 29, 2005, 10-39, Board, Oct. 22, 2011, 11-9, 17-07, Board, Oct. 21, 2017]

4.3.5.3 Tenure and/or Promotion Review Materials

In the tenure and/or promotion review process, the faculty member under review provides the Departmental/Program Review Committee and the Promotion, Tenure, and Review Committee with materials relevant to the faculty member's teaching performance, scholarly contributions (including plans for continued professional growth), and service. [Rev. 10-43 and 10-44, Board, Oct. 22, 2011, 11-9; Rev. 19-29, Board, Feb. 26, 2021]

4.3.5.3.1 The Department Head/Program Chair may request letters of evaluation from a member or members of the Lafayette faculty, outside the candidate's department/program, who are well-suited to review the candidate's interdisciplinary teaching. These letters should be sent to the Provost. [85-31.2, Rev. 1987, 94-45, 98-34, 07-7, 11-9]

4.3.5.3.2 The candidate will make available the following materials to the Departmental/Program Review Committee and the Promotion Tenure, and Review Committee: [Rev. 11-9; Rev. 19-29, Board, Feb. 26, 2021]

- Self-evaluation: (see Section 4.3.4.1 for a description of the self-evaluation) [Rev. 11-9, 18-16, Board, Dec. 13, 2018]
- Updated curriculum vitae (see Section 4.3.4.2)

- Portfolios of teaching and scholarship and an annotated service list (see Sections 4.3.4.3-5) [Rev. 18-16, Board, Dec. 13, 2018]

4.3.5.3.3 In order to ensure that the Departmental/Program Review Committee and the Promotion, Tenure, and Review Committee have access to similar files assembled for review purposes, the Provost makes available the following materials to the candidate*:* [Rev. 11-9; Rev. 19-29, Board, Feb. 26, 2021]

- List of materials sent to external reviewers
- Letters from external reviewers [Rev. 11-9]
- Responses to letters from external reviewers (if any) [Rev. 11-9]
- Letters of support (see Section 4.3.4.7) [Rev. 11-9]
- Letters of evaluation (if any) from other members of the Lafayette faculty, assessing the candidate's interdisciplinary teaching [Rev. 11-9]
- Classroom observation summaries [Added 14-20]
- Department/Program Scholarship Guidelines [Added 18-17, Board, Dec. 13, 2018]
- For tenure review: Post-midterm conference report [Rev. 18-17, Board, Dec. 13, 2018]
- For tenure review: Response to post-midterm conference report (if any) [Rev. 18-17, Board, Dec. 13, 2018]
- For tenure review: Midterm review Departmental/Program Review Committee letter [Rev. 18-17, Board, Dec. 13, 2018]
- For tenure review: Promotion, Tenure, and Review Committee midterm review report [Rev. 18-17, Board, Dec. 13, 2018]
- For tenure review: Candidate or Departmental/Program Review Committee's response to Promotion, Tenure, and Review Committee midterm report (if any) [Rev. 18-17, Board, Dec. 13, 2018]
- For tenure review: Research leave report [Rev. 18-17, Board, Dec. 13, 2018]
- For promotion to Professor: Departmental/Program Review Committee Tenure Evaluation and response (if any) [Added 18-17, Board, Dec. 13, 2018]
- For promotion to Professor: Promotion, Tenure, and Review Tenure Report, and response (if any) [Added 18-17, Board, Dec. 13, 2018]
- For promotion to Professor: Sabbatical/Leave Proposal (most recent) [Added 18-17, Board, Dec. 13, 2018]
- For promotion to Professor: Sabbatical/Leave Report (most recent) [Added 18-17, Board, Dec. 13, 2018]
- For promotion to Professor: Four-year review self-evaluation (most recent), Department Head's/Program Chair's evaluation, Provost's report, and response (if any) [Added 18-17, Board, Dec. 13, 2018]
- A summary of the numerical medians and the aggregated numerical responses for each course's student evaluations. [Rev. 11-9, 12-14; 19-29 and 20-22, Board, Feb. 26, 2021]
- The comments on the course evaluation form submitted by students as part of the College-wide evaluation of teaching will be included in the file only upon written request of the faculty member being evaluated. If the candidate releases them, student comments from the previous six semesters (excluding leaves) will be included for tenure candidates, and from the previous eight semesters (excluding leaves) for promotion candidates. [Rev. 11-9, 12-14; 19-29 and 20-22, Board, Feb. 26, 2021]

4.3.5.3.4 The candidate inspects their review file and has the right to respond to any or all of the materials by memorandum to the file, and at the discretion of the candidate, some or all of such response(s) will be made available to members of the Departmental/Program Review Committee. Once the candidate has had an opportunity to respond and has authorized the release of the file, the Provost provides the file to the candidate's Departmental/Program Review Committee. [Added 2011, 11-9; Rev. 19-29, Board, Feb. 26, 2021]

4.3.6 Departmental/Program Review Committee Tenure and/or Promotion Procedures

The Department Head/Program Chair holds a meeting (or meetings) of the Departmental/Program Review Committee. [Rev. 10-43 and 10-44, Board, Oct. 22, 2011, 11-9]

a. Each member who is eligible to participate in the Departmental/Program Review Committee is normally expected to participate fully. At the start of the discussion, the Department Head/Program Chair confirms that each participant has read the entire file and Appendix V, "Recommended practices for departmental/program and institutional interpretation of student evaluations." [Added 10-44, Board, Oct. 22, 2011, Rev. 11-9, 18-28, Board, Feb. 23, 2019]

b. The Departmental/Program Review Committee will review and evaluate the candidate's record of teaching, scholarship, and service with respect to departmental/program and College standards. [Rev. 10-44, Board, Oct. 22, 2011, 11-9]

c. When the candidate is seeking tenure, the Departmental/Program Review Committee will also discuss the programmatic needs (present and future) of the department/program and the College. Only in exceptional circumstances should concerns regarding the programmatic fit of the candidate be introduced for the first time during the tenure review. [Rev. 10-44, Board, Oct. 22, 2011, 11-9]

d. If the Departmental/Program Review Committee requests additional information, the following procedure will be followed. All communication concerning requests for additional information or documentation from the candidate must be in writing from the Chair of the Review Committee on behalf of that Committee. Each of these requests must include a statement that contextualizes and clearly states the relevance of the request. All requests must be submitted to both the candidate and the Provost, who will determine the appropriateness of the request. The Provost may reject or limit requests for information or documentation within 2-3 business days of the initial request. If the Provost does not reject the request, the candidate will have 5 business days from the initial request date to provide information. Under rare circumstances, the candidate may request additional time, if necessary, from the Provost. The Committee will not conclude its deliberations until it is in receipt of the requested information or the candidate's time limit has expired. Additional information and responses (if any) from the candidate will be made part of the file, but the file will not include rejected requests for information. [Added 11-9, Rev. 22-04, Board Dec. 6, 2022]

e. Finally, the Departmental/Program Review Committee will vote on a recommendation for tenure and/or promotion. [Added 10-44, Board, Oct. 22, 2011, Rev. 11-9]

f. Following the Departmental/Program Review Committee's deliberations, the Department Head/Program Chair prepares a letter detailing the Departmental/Program Review Committee's evaluation of the candidate, including divergent views and summarizing the vote. This letter should include the signatures of those who participated in the meeting(s). The Department Head/Program Chair submits the letter to the Provost, with copies to the candidate and to the members of the Departmental/Program Review Committee. [Rev. 10-44, Board, Oct. 22, 2011, 11-9]

g. The Provost requests individual letters of evaluation and recommendation from each member of the Departmental/Program Review Committee. Such letters are due to the Provost a week after the Departmental/Program Review Committee's letter has been submitted. [Rev. 10-44, 10-48, and 10-49, Board, Oct. 22, 2011, 11-9]

h. The Provost adds to the file the letter from the Departmental/Program Review Committee, the individual letters from the members of the Departmental/Program Review

Committee, and any letters of evaluation submitted pursuant to Section 4.3.1.3.1. [Added 10-44, Board, Oct. 22, 2011, Rev. 11-9]

i. The candidate shall again inspect the file before it is made available to the candidate's Promotion, Tenure, and Review Case Committee and the President. By memorandum to the file, the candidate has the right to respond to any or all of the materials in the file, and at the candidate's discretion, such response(s), or a subset of them, will be made available to the Departmental/Program Review Committee. [85-31.1, Rev. 1987, 98-27, 98-34, 99-10, 99-12, 99-20, 10-44, Board, Oct. 22, 2011, 11-9, 16-35, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

j. Once the candidate has had an opportunity to comment and has authorized the release of the file, the file is provided to the candidate's Promotion, Tenure, and Review Case Committee and the President. At that point, the Provost makes the individual letters from members of the department/program available to members of the Departmental/Program Review Committee for their information. [Added 10-44 and 10-51, Board, Oct. 22, 2011, Rev. 11-9, 16-35, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017; Rev. 19-29, Board, Feb. 26, 2021]

4.3.7 Promotion, Tenure, and Review Case Committee Procedures

4.3.7.1 Before considering any cases, the Promotion, Tenure, and Review Committee will review the standards for teaching, scholarship, and service, as described in Section 4.2, and Appendix V, "Recommended practices for departmental/program and institutional interpretation of student evaluations." [Added 18-28, Board, Feb. 23, 2019]

4.3.7.2 Prior to the meeting(s) at which the candidate's case is scheduled to be considered, Case Committee members review the entire file. When the candidate's case is first considered, the Provost verifies to the Case Committee that the candidate has given permission to release the file to PTR, and the Case Committee chair confirms that all members have familiarized themselves with the candidate's scholarship portfolio and read the remainder of the file. In midterm and tenure cases, the Provost begins the Case Committee's consideration of the case with a statement regarding the candidate's relationship to the programmatic needs of the department/program and the College. In midterm, tenure, and promotion cases, the Case Committee then discusses the candidate's record in teaching, scholarship, and service, assessing the candidate's performance with respect to the standards in each area. [Added 10-51, Rev. 17-07, Board, Oct. 21, 2017, 18-19, Board, Dec. 13, 2018]

4.3.7.3 The Case Committee's right to obtain additional information The Promotion, Tenure, and Review Case Committee has the right to obtain additional information respecting a candidate at any time by a written request. If it exercises this right, the candidate is notified, along with members of the Departmental/Program Review Committee, and they all are given access to the additional information. Both the candidate and the Departmental/Program Review Committee enjoy the right to respond, and the candidate may respond to the Review Committee's response. The request, the new information, and any responses become a part of the file. [Added 1982; Rev. 07-44, 90-9, 92-37, Rev. 1993, 94-30, 99-10, 10-50, Board, Oct. 22, 2011, 11-9, 17-07, Board, Oct. 21, 2017]

4.3.7.4 No report of a conversation with a candidate is accepted by the Case Committee unless a summary of that conversation has been shown to the candidate and the candidate has been given an opportunity to respond in writing to that summary. [83-16, 85-31.3, 86-10, 10-51, Board, Oct. 22, 2011, 17-07, Board, Oct. 21, 2017]

4.3.7.5 No Promotion, Tenure, and Review Case Committee member in the same department/program as the candidate will participate in any Case Committee discussion or decision respecting the candidate. [Added 1982; Rev. 07-44, 83-8, 99-31, 10-51, Board, Oct. 22, 2011, 17-07, Board, Oct. 21, 2017]

4.3.7.6 Neither the candidate nor any representative of the candidate appears before the Case Committee. [Added 1982; Rev. 07-44, 83-8, 99-31, 10-51, Board, Oct. 22, 2011, 17-07, Board, Oct. 21, 2017]

4.3.7.7 The Case Committee's deliberations, as well as evidence before the Case Committee, shall be treated as confidential by all participants except as specified elsewhere in the *Faculty Handbook*, for example, in 4.3.8. Aggregated and anonymized information about multiple cases may be discussed when considering tenure and promotion policy or practices, and only when it does not reveal particulars about individual cases. [Added 17-32, Board, Dec. 13, 2018]

4.3.8 Disposition of the Promotion, Tenure, and Review Case Committee's tenure and/or promotion recommendations The Case Committee must make clear by a vote what the final judgment of the Case Committee is in each case, and the minutes shall include a detailed account of the Case Committee discussion. [Added 1982; Rev. 07-44, 83-17, 85-31.3, 86-10, 90-37, 1991, 93-31, 95-4, 99-31, 10-51, Board, Oct. 22, 2011, 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017; 17-34, Board, May 12, 2018]

4.3.8.1 In the case of a positive recommendation, the Promotion, Tenure, and Review Case Committee shall make available to the President any communication between the Promotion, Tenure, and Review Case Committee and the candidate or the candidate's department/program, minutes of the Case Committee's deliberations, and a draft recommendation letter to the President that includes a detailed explanatory justification for the Case Committee's judgment and a summary of dissenting opinion. The President normally will review the case within two weeks of receipt of these materials. [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017; 17-34, Board, May 12, 2018]

4.3.8.1.1 If the President concurs with the positive recommendation, the Promotion, Tenure, and Review Case Committee issues a final written positive recommendation to the President. The President may write endorsing the Promotion, Tenure, and Review Case Committee's judgment or write a separate letter. The Provost informs the candidate and the Department Head/Program Chair of the recommendation and reminds them that, in accordance with College policy, only the Board of Trustees has the authority to grant tenure. The President, Provost, and Chair of the Promotion, Tenure, and Review Case Committee shall present the President's recommendation to the Board of Trustees for its final consideration. Following Board approval, the President shall promptly convey the Board's decision to the candidate, with a copy to the Department Head/Program Chair. The Provost shall provide them both with copies of the Promotion, Tenure, and Review Case Committee's recommendation and that of the President, if any; the Department Head/Program Chair will make a copy of the recommendation(s) available to members of the Departmental/Program Review Committee. Normally, candidates for tenure will be notified of the Case Committee's recommendation by the end of the fall semester, and candidates for promotion will be notified by the end of the spring semester. [Added 16-38, 16-39, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

4.3.8.1.2 As a member of the Promotion, Tenure, and Review Committee, the Provost is bound by the standards of confidentiality observed by all Committee members regarding active cases. If the President seeks clarification about an active case in order to render a fully informed decision, the President may ask to meet with the Provost and the chair of the Case Committee jointly. The chair of the Case Committee and the Provost will report the substance of any such conversation to the Case Committee, and that report will become part of the confidential minutes of the case. The Case Committee may send a memorandum to the President offering additional information or suggest that future clarifications about the case should be addressed through written memoranda between the President and the full Case Committee. [Added 18-61, Board, May 18, 2019]

4.3.8.1.3 If the President has questions about the positive recommendation, the President can send a memo to the Promotion, Tenure, and Review Case Committee requesting clarification. In the rare instance that the President, after a full reading of the file, anticipates the possibility that the President may not concur with the positive recommendation and believes that the President has reasons that will compel the Promotion, Tenure, and Review Case Committee to change its recommendation, the President and the Promotion, Tenure, and Review Case Committee shall engage in dialogue and make every effort to resolve their differences. During this time, the President and Promotion, Tenure, and Review Case Committee shall meet as many times as necessary until either of the parties is satisfied that dialogue should be concluded. In no case should this time of dialogue exceed four weeks. During this time of dialogue, the Promotion, Tenure, and Review Case Committee may request in writing additional information from the candidate and/or the Departmental/Program Review Committee in accordance with 4.3.7.2. On each occasion that the President and Case Committee meet, a summary of the meeting, including attendees, topics discussed, and possible outcomes shall be produced. After each meeting with the President, the Promotion, Tenure, and Review Case Committee shall deliberate and make available to the President the minutes of the Case Committee's deliberations. [Added 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

After dialogue is concluded, if the Promotion, Tenure, and Review Case Committee issues a negative recommendation, the procedures in 4.3.8.2 shall be followed. If the President comes to concur with the original positive recommendation of the Promotion, Tenure, and Review Case Committee, the procedures in 4.3.8.1.1 shall be followed. In the rare case that the President continues not to concur with the Promotion, Tenure, and Review Case Committee's positive recommendation, the President shall submit a letter to the Promotion, Tenure, and Review Case Committee detailing the President's reasons for non-concurrence. The Promotion, Tenure, and Review Case Committee shall submit a letter to the President stating its positive recommendation and a response to the non-concurrence. There shall be no further communication between the President and the Promotion, Tenure, and Review Case Committee about this case. [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

a. In the rare circumstance in which the President does not concur with the Promotion, Tenure, and Review Case Committee's final positive recommendation for a candidate's tenure, there shall be an immediate and automatic full reconsideration of the case following the procedure outlined in 4.4 and the review processes described generally in 4.3 and specifically in 4.3.7. The candidate shall be informed of the opposing decisions of the President and the Promotion, Tenure, and Review Case Committee, will receive copies of the President's letter of non-concurrence and the Promotion, Tenure, and Review Case Committee's positive recommendation and response to the President's letter of non-concurrence, and normally has 10 business days (occurring during the fall and/or spring semesters) to respond. [Added 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

b. In the rare circumstance in which the President does not concur with the Promotion, Tenure, and Review Case Committee's final positive recommendation for a candidate's promotion to the rank of Professor, the case will be referred to the Board of Trustees for a full review. The Board of Trustees will have access to all materials that were available to the Promotion, Tenure, and Review Case Committee in its deliberations on the candidate's case; any communication between the Promotion, Tenure, and Review Case Committee and the candidate or the candidate's Departmental/Program Review Committee; the confidential minutes of the

Promotion, Tenure, and Review Case Committee's consideration of the candidate's case; the draft letter of recommendation of the Promotion, Tenure, and Review Case Committee to the President; summaries of the meetings between the President and the Promotion, Tenure, and Review Case Committee; the President's letter to the Promotion, Tenure, and Review Case Committee detailing the President's reasons for non-concurrence; and the Promotion, Tenure, and Review Case Committee's letter to the President stating its positive recommendation. The candidate will receive the President's letter to the Promotion, Tenure, and Review Case Committee detailing the President's reasons for non-concurrence as well as the Promotion, Tenure, and Review Case Committee's positive recommendation and response to the President's letter of non-concurrence and will have an opportunity to respond in writing. If the Board of Trustees affirms either the President's or the Promotion, Tenure, and Review Case Committee's recommendation, the Board's decision will be final. Alternatively, the Board may return the case to either the Promotion, Tenure, and Review Case Committee or the President for reconsideration in whole or in part and a further recommendation, which shall go directly to the Board of Trustees for its final decision. [Added 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

4.3.8.2 Negative recommendations of the Promotion, Tenure, and Review Case Committee shall be sent to the President for information only (except as provided in 4.3.8.5 and 4.3.9.4). In such cases, the Provost shall inform the candidate and the Department Head/Program Chair of the recommendation and shall provide the candidate with a copy of the Promotion, Tenure, and Review Case Committee's recommendation letter. The Provost shall make an appointment with the candidate and the Department Head/Program Chair to explain the procedure for appeal. [99-31, 00-22, 17-34, Board, May 12, 2018]

4.3.8.3 Should the candidate elect not to appeal to the Appeal and Grievance Committee, then upon receipt of a written statement from the candidate or upon the expiration of the sixty-day period referred to in Section 4.5.1.2, whichever is earlier, the President shall inform the candidate that the candidate has been denied tenure. At this point, copies of the President's letter, along with the recommendation of the Promotion, Tenure, and Review Case Committee, shall be sent to the Department Head/Program Chair, who will make these documents available to members of the Departmental/Program Review Committee. [99-31, Rev. 10-44, Board, Oct. 22, 2011, 16-38, Board, May 13, 2017]

4.3.8.4 Should the candidate elect to appeal to the Appeal and Grievance Committee, the candidate shall follow the procedure described in Section 4.5. A copy of the recommendation(s) of the Promotion, Tenure, and Review Case Committee shall be sent to the Department Head/Program Chair only after the appeal process has been completed. [99-14, 99-31, 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

4.3.8.5 Early consideration. In the case of a tenure candidate who was considered before their mandatory year, the Promotion, Tenure, and Review Case Committee and/or President may decide to defer the candidate under 4.3.9. [99-31, 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

4.3.9 Deferred Tenure Candidates

Procedure with respect to tenure candidates who are considered before their mandatory year and for whom a decision is postponed or deferred: [Added 1987]

4.3.9.1 A deferred candidate is informed of both the Promotion, Tenure, and Review Case Committee's recommendation and the President's response. [Added 1987, 17-07, Board, Oct. 21, 2017]

4.3.9.2 A candidate deferred by both the Case Committee and the President, in cooperation with the Provost and Department Head/Program Chair, updates the candidate's file the following year; the current Promotion, Tenure, and Review Case Committee considers all materials received and makes its recommendation to the President. [Added 1987, 17-07, Board, Oct. 21, 2017]

4.3.9.3 If a candidate receives a positive recommendation from the Promotion, Tenure, and Review Case Committee but is deferred by the President, a second evaluation by the Promotion, Tenure, and Review Committee in the following year is not necessary. The recommendation of the previous year's Case Committee stands. The deferred candidate, however, may, but is not required to, request a second evaluation, in which case the deferred candidate submits updated materials to the current Promotion, Tenure, and Review Committee. If the deferred candidate does not elect a second evaluation, the deferred candidate submits updated materials to the President and may send copies to the Promotion, Tenure, and Review Case Committee for its information. [Added 1987, 17-07, Board, Oct. 21, 2017]

4.3.9.4 If a candidate receives a negative recommendation from the Promotion, Tenure, and Review Case Committee but is deferred by the President, the deferred candidate, in cooperation with the Provost and Department Head/Program Chair, submits updated materials to the subsequent year's Promotion, Tenure, and Review Case Committee. If in the judgment of that Case Committee these materials are sufficient to warrant reconsideration, it reevaluates the deferred candidate and makes its recommendation to the President. [Added 1987]

4.3.10 Four- and Seven-Year Review of Tenured Faculty Members

All tenured members of the Lafayette Faculty receive the benefit of periodic, systematic evaluation. For tenured Associate Professors, this review occurs no less frequently than every four years and for tenured Professors no less frequently than every seven years. These reviews include evaluation of achievements and plans for future activities in the areas of teaching, scholarship, service, and academic leadership. [85-31.4, 86-11, 93-29]

4.3.10.1 Four-Year Reviews of Associate Professors In the case of the four-year review, each Associate Professor prepares a written self-evaluation which is given to the Department Head/Program Chair. The Department Head/Program Chair then prepares a written evaluation which is given to the Associate Professor. These evaluations are submitted to the Provost. The Provost then holds a conference of review with the Associate Professor and submits a report of the conference to the Associate Professor and the Department Head/Program Chair, normally by the end of the semester in which the conference is held. All three reports are reviewed by the Promotion, Tenure, and Review Committee unless the Committee delegates this responsibility to the Provost (see Section 4.3.2.2). [85-31.4, 86-11, Rev. 1991, 93-29, 18-32, Board, Feb. 23, 2019]

Although no set period of time for advancement to the rank of Professor is specified, the question of readiness for promotion is seriously considered in each four-year evaluation, with particular focus during the second four-year evaluation. However, an Associate Professor may request full consideration for promotion at any time. If an Associate Professor does request full consideration, then the Promotion, Tenure, and Review Committee will act on this request. [85-31.4, 86-11, Rev. 1991, 98-29, 00-10, 14-35]

4.3.10.2 Seven-Year Reviews of Professors In the case of the seven-year review, each Professor prepares a written self-evaluation which is given to the Department Head/Program Chair. The Department Head/Program Chair then prepares a written evaluation which is given to the Professor. These evaluations are submitted to the Provost. The Provost then holds a conference of review with the Professor and submits a report of the conference to the Professor and the Department Head/Program Chair, normally by the end of the academic

year in which the conference is held. All three reports are reviewed by the Promotion, Tenure, and Review Committee unless the Committee delegates this responsibility to the Provost (see Section 4.3.2.2). [85-31.4, 86-10, Rev. 1991, 93-29, 18-32, Board, Feb. 23, 2019]

4.3.11 Review Process for Continuing Faculty

All continuing members of the Lafayette Faculty receive the benefit of systematic evaluation. For continuing Faculty, the process takes place during the second semester of the year prior to the expiration of the faculty member's contract. These reviews include evaluation of distinction in teaching, other activities as specified in the faculty member's memorandum (see Section 4.1.5.5.1.1), and plans for future activities in teaching or other areas specified in the faculty member's memorandum. [Added 21-42, Board October 21, 2022; 22-32, Board May 19, 2023]

4.3.11.1 The faculty member prepares a file consisting of a brief self-evaluation, an updated curriculum vitae, student evaluations, classroom observation summaries (for Lecturers not Senior Lecturers) see Section 4.2.1.1.1); and any other documentation relevant to other areas specified in the faculty member's memorandum. The comments submitted by students as part of the College-wide evaluation of teaching may be included in the file at the discretion of the faculty member being evaluated. [Added 21-42, Board October 21, 2022; 22-32, Board May 19, 2023; 23-09, Board December 9, 2023]

4.3.11.2 The file is shared with the Department Head/Program Chair, who prepares a written evaluation that is added to the faculty member's file. [Added 21-42, Board October 21, 2022]

*4.3.11.3 The file, along with any written clarifications or responses from the faculty member (per Section 4.3.11.4), is submitted to the Provost who reviews it. The Dean of Faculty, in consultation with the Department Head/Program Chair, makes a recommendation for reappointment to the Provost on the renewal of the faculty member's contract no later than the last day of the semester. [Added 21-42, Board October 21, 2022; 22-32, Board May 19, 2023; 25-20, Board May 22, 2026]

4.3.11.4 If the Department Head/Program Chair requests additional information, the following procedure will be followed. All communication concerning requests for additional information or documentation from the candidate must be in writing from the Department Head/Program Chair. Each of these requests must include a statement that contextualizes and clearly states the relevance of the request. All requests must be submitted to both the candidate and the Provost, who will determine the appropriateness of the request. The Provost may reject or limit requests for information or documentation within 2-3 business days of the initial request. Candidates may also seek the confidential advice of the Office of the Provost before responding to any request. If the Provost does not reject the request, the candidate will have 5 business days from the initial request date to provide information. Under rare circumstances, the candidate may request additional time, if necessary, from the Provost. The Department Head/Program Chair will not conclude their deliberations until they are in receipt of the requested information or the candidate's time limit has expired. Additional information and responses (if any) from the candidate will be made part of the file, but the file will not include rejected requests for information. [Added 21-42, Board October 21, 2022; 22-32, May 19, 2023]

4.3.12 Process for Promotion of Lecturer to Senior Lecturer

Lecturers who have taught a total of 30 course sections at Lafayette College in any role are eligible to apply for promotion to Senior Lecturer. The promotion process should be in accordance with the following procedure. [Added 21-43, Board October 21, 2022]

4.3.12.1 The faculty member will provide their Department Head/Program Chair with a list of people from whom they wish to request Letters of Support, as outlined in Section 4.3.4.7. [Added 22-32, Board May 19, 2023]

4.3.12.2 The faculty member will make available the following materials to the Department/Program Review Committee and the Promotion, Tenure, and Review Committee.

- Self-evaluation (see Section 4.3.4.1 for a description of the self-evaluation) that may include a description and clarification of the circumstances under which the faculty member endeavored to make progress during the COVID-19 pandemic (see Section 4.2 preamble)
- Updated curriculum vitae (see Section 4.3.4.2)
- Portfolio of teaching (see Section 4.3.4.3) including a statement of academic advising responsibilities (if any)
- Any other documentation relevant to areas specified in the faculty member's memorandum

[Added 21-43, Board October 21, 2022; 22-32, Board May 19, 2023; Revised 23-09, Board December 9, 2023]

4.3.12.3 In order to ensure that the Departmental/Program Review Committee and the Promotion, Tenure, and Review Committee have access to similar files assembled for review purposes, the Provost makes available the following materials to the faculty member.

- Memorandum (see 4.1.5.5.1.1)
- Letters of evaluation (if any) from other members of the Lafayette Faculty assessing the candidates interdisciplinary teaching
- Letters of support
- Classroom observation summaries
- A summary of the numerical medians and the aggregated numerical responses for each course's student evaluations
- The comments on the course evaluation form submitted by students as part of the College-wide evaluation of teaching will be included in the file only upon the written request of the faculty member being evaluated. If the comments are released, then all the comments will be included from all courses for which there are evaluations in the required number of terms (including winter and summer sessions) so that the record contains the equivalent of at least 30 course sections (with laboratory teaching counting as a half course).

[Added 21-43, Board October 21, 2022; 22-32, Board May 19, 2023; Rev. 23-09, Board December 9, 2023]

4.3.12.4 The faculty member inspects their review file and has the right to respond to any or all of the materials by memorandum to the file, and at the discretion of the faculty member, some or all of such response(s) will be made available to members of the Departmental/Program Review Committee. Once the faculty member has had an opportunity to respond and has authorized the release of the file, the Provost provides the file to the candidate's Departmental/Program Review Committee. [Added 21-43, Board October 21, 2022; 22-32, Board May 19, 2023; Rev. 23-09, Board December 9, 2023]

4.3.12.5 The Department Head/Program Chair will convene a Departmental/ Program Review Committee consisting of the Department Head/Program Chair plus the tenured members of

the department/current Program Advisory Committee members which will review and meet to discuss the file. If a situation arises where there are fewer than three members on a Departmental/Program Review Committee, additional committee members should be appointed following the procedure of 4.3.1.3.3. [Added 21-43, Board October 21, 2022; 22-32, Board May 19, 2023; Rev. 23-09, Board December 9, 2023]

4.3.12.6 Using the procedures outlined in Section 4.3.6, subsections, d, f, g, h, the Departmental/Program Review Committee will evaluate the faculty member according to the College's criteria on teaching, as well as any other relevant criteria specified in the faculty member's memorandum, using the procedures outlined in Section 4.3.6, subsections a, d, f, g, h, i, and j. The Departmental/Program Review Committee then writes a letter of evaluation (see Sections 4.3.1.3.1 and 4.3.6.h) and makes this letter available to the Provost, with copies to the candidate and to the Departmental/Program Review Committee. The Provost then requests individual letters of evaluation and recommendation from each member of the Departmental/Program Review Committee (see Section 4.3.6.g). [Added 21-43, Board October 21, 2022; 22-32, Board May 19, 2023; Rev. 23-09, Board December 9, 2023, Rev. 23-26, Board May 20, 2024]

4.3.12.7 If the Departmental/Program Review Committee requests additional information, the following procedure will be followed. All communication concerning requests for additional information or documentation from the candidate must be in writing from the Chair of the Review Committee on behalf of that committee. Each of these requests must include a statement that contextualizes and clearly states the relevance of the request. All requests must be submitted to both the candidate and the Provost, who will determine the appropriateness of the request. The Provost may reject or limit requests for information or documentation within 2-3 business days of the initial request. Candidates may also seek the confidential advice of the Office of the Provost before responding to any request. If the Provost does not reject the request, the candidate will have 5 business days from the initial request date to provide information. Under rare circumstances, the candidate may request additional time, if necessary, from the Provost. The Committee will not conclude its deliberations until it is in receipt of the requested information or the candidate's time limit had expired. Additional information and responses (if any) from the candidate will be made part of the file, but the file will not include rejected requests for information. [Added 22-32, Board May 19, 2023]

4.3.12.8 The Provost adds to the file the letter from the Departmental/Program Review Committee and the individual letters from the members of the Departmental/Program Review Committee. The faculty member shall again inspect the file and may choose to add a written response to any or all of the materials in the file, and at the candidate's discretion, such response(s), or a subset of them, will be made available to the Departmental/Program Review Committee. The faculty member will authorize the release of the file to the Promotion, Tenure, and Review Case Committee. [Added 21-43, Board October 21, 2022; 22-32, Board May 19, 2023; Rev. 23-09, Board December 9, 2023]

4.3.12.9 Using the procedures outlined in Section 4.3.6, the Promotion, Tenure, and Review Committee will assign the faculty member a Case Committee, which will evaluate the file according to the relevant College teaching criteria as specified in the faculty member's memorandum, as well as any other relevant criteria specified in the faculty member's memorandum. The Case Committee will be made up of four PTR members (two Associate Professors and two Full Professors), with each of the four Divisions represented. [Added 21-43, Board October 21, 2022; 22-32, Board May 19, 2023, Rev. 23-26, Board May 20, 2024]

4.3.12.10 In the case of a positive recommendation, the Promotion, Tenure, and Review Committee shall make available to the President any communication between the Promotion, Tenure, and Review Case Committee and the candidate or the candidate's department/program, minutes of the Case Committee's deliberations, and a draft recommendation letter to the President that includes a detailed explanatory justification for

the Case Committee's judgment and a summary of dissenting opinion. [Added 21-43, Board October 21, 2022, Rev. 23-30, Board May 20, 2024]

4.3.12.11 If the President concurs with the positive recommendation, the Promotion, Tenure, and Review Case Committee issues a final written positive recommendation to the President. The President may write endorsing the Promotion, Tenure, and Review Case Committee's judgment or write a separate letter. The Provost informs the candidate and the Department Head/Program Chair of the recommendation and reminds them that, in accordance with College policy, only the Educational Policy Committee of the Board of Trustees has the authority to grant promotion to Senior Lecturer. The President, Provost, and Chair of the Promotion, Tenure, and Review Case Committee shall present the President's recommendation to the Educational Policy Committee of the Board of Trustees for its final consideration. Following Educational Policy's approval, the President shall promptly convey the Board's decision to the candidate, with a copy to the Department Head/Program Chair. The Provost shall provide them both with copies of the Promotion, Tenure, and Review Case Committee's recommendation and that of the President, if any; the Department Head/Program Chair will make a copy of the recommendation(s) available to members of the Departmental/Program Review Committee. [Added 23-30, Board May 20, 2024]

4.3.12.12 If the Lecturer is not promoted, their contract may be renewed as a Lecturer and they may reapply for promotion after a minimum of 2 additional semesters. A Lecturer denied promotion may appeal through A&G (see Section 4.5). The Provost shall make an appointment with the candidate and the Department Head/Program Chair to explain the procedure for appeal. In the case of Presidential Non-concurrences after a positive recommendation from the PTR Case Committee, a Lecturer can request formation of an Ad Hoc Reconsideration Committee (see Section 4.4). [Added 21-43, Board October 21, 2022; 22-32, Board May 19, 2023]

4.4 Procedure for an Ad Hoc Reconsideration Committee in the Case of Presidential Non-concurrence after a Positive Recommendation from the Promotion, Tenure, and Review Case Committee [Rev. 16-38, Board, May 13, 2017]

4.4.1 Composition of the Ad Hoc Reconsideration Committee. The Ad Hoc Reconsideration Committee is assembled by the Provost's Office and consists of five members of the faculty with prior service on the Promotion, Tenure, and Review Committee, selected in accordance with Sections 5.4.3.11.2 and 5.4.3.11.3. The proportion of faculty membership is as follows: one Professor from engineering; one from the arts and humanities; one from the natural sciences; one from the social sciences; and normally one from within the candidate's paired divisions. The Executive Assistant to the Provost serves as Secretary and is a non-voting member of the Committee. The chair of the committee is elected by preferential ballot of committee members. [Rev. 16-38, Board, May 13, 2017]

4.4.2 Materials Provided to the Ad Hoc Reconsideration Committee. Members of the Ad Hoc Reconsideration Committee are: [Rev. 16-38, Board, May 13, 2017]

- the original file submitted to the Promotion, Tenure, and Review Case Committee for its deliberations; [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]
- any correspondence between the Promotion, Tenure, and Review Case Committee and the candidate and/or the candidate's department/program; [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]
- the confidential minutes of the Promotion, Tenure, and Review Case Committee's consideration of the case; [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

- any correspondence between the President and the Promotion, Tenure, and Review Case Committee concerning the Promotion, Tenure, and Review Case Committee's positive recommendation; [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

- summaries of the meeting(s) between the President and the Promotion, Tenure, and Review Case Committee; [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

- the President's letter of non-concurrence; [Rev. 16-38, Board, May 13, 2017]

- the Promotion, Tenure, and Review Case Committee's positive recommendation and its response to the President's letter of non-concurrence; [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

- any correspondence from the candidate responding to the letter of non-concurrence from the President or the Promotion, Tenure, and Review Case Committee's positive recommendation and response to the President's letter of non-concurrence. [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

4.4.3 Ad Hoc Reconsideration Committee Procedures. The procedures of the Ad Hoc Reconsideration Committee are the same procedures as described in 4.3.7 and all members of the Ad Hoc Reconsideration Committee must read all material provided to the Committee prior to the meeting(s) at which the candidate's case is scheduled to be considered. The Ad Hoc Reconsideration Committee has the same rights to obtain additional information as described in 4.3.7.2 and no conversations with the candidate are accepted by the Committee except as described in 4.3.7.3. [Rev. 16-38, Board, May 13, 2017]

The Ad Hoc Reconsideration Committee shall not contact the Promotion, Tenure, and Review Case Committee and neither the candidate, the Provost, nor the President shall appear before the Ad Hoc Reconsideration Committee. However, the Ad Hoc Reconsideration Committee may consult with the Provost on procedural questions. [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

The Ad Hoc Reconsideration Committee shall normally reach a decision within six weeks (during the fall and/or spring semesters) of receipt of the candidate's response, or starting 10 business days after the Promotion, Tenure, and Review Case Committee delivers its final positive decision and response to the President's letter of non-concurrence. [Rev. 16-38, Board, May 13, 2017, 17-07, Board, Oct. 21, 2017]

After the Ad Hoc Reconsideration Committee has completed its review of the case, it shall provide to the President and the Board of Trustees a recommendation letter that includes a detailed explanatory justification for its judgment and a summary of dissenting opinion. The Ad Hoc Reconsideration Committee's recommendation should normally be understood as the final recommendation of the tenure review process. [Rev. 16-38, 16-39 Board, May 13, 2017, 17-34, Board, May 12, 2018]

4.4.4 Disposition of the Ad Hoc Reconsideration Committee's tenure and/or promotion recommendations. [Rev. 16-38, Board, May 13, 2017, 17-34, Board, May 12, 2018]

4.4.4.1 In the case of a positive decision, the Provost informs the candidate and the Department Head/Program Chair of the recommendation and reminds them that, in accordance with College policy, only the Board of Trustees has the authority to grant tenure. The President and the chair of the Ad Hoc Reconsideration Committee shall present the Ad Hoc Reconsideration Committee's recommendation letter, along with the President's letter of non-concurrence, to the Board of Trustees for its final consideration. The President may choose instead to present a letter concurring with the recommendation of the Ad Hoc Reconsideration Committee. The Board will also receive all materials listed in 4.4.2, the

minutes of the Ad Hoc Reconsideration Committee's meetings, and any correspondence between the Ad Hoc Reconsideration Committee and the candidate and/or the candidate's department/program. Following the Board's consideration, the President shall promptly convey the Board's decision to the candidate, with a copy to the Department Head/Program Chair. The Provost shall provide them both with copies of the Ad Hoc Reconsideration Committee's recommendation letter. If the President chooses to present to the Board a letter concurring with the recommendation of the Ad Hoc Reconsideration Committee, the Provost shall provide the candidate and the Department Head/Program Chair with a copy of that letter. The Department Head/Program Chair will make a copy of the recommendation(s) available to members of the Departmental/Program Review Committee. [Rev. 16-38, Board, May 13, 2017, 17-34 and 17-35, Board, May 12, 2018]

4.4.4.2 Negative recommendations of the Ad Hoc Reconsideration Committee shall be sent to the President for information only (except as provided in 4.3.8.5 and 4.3.9.4). In such cases, the Provost shall inform the candidate and the Department Head/Program Chair of the recommendation and shall provide the candidate with a copy of the Ad Hoc Reconsideration Committee's recommendation letter. The Provost shall make an appointment with the candidate and the Department Head/Program Chair to explain the procedure for appeal. [Rev. 16-38, Board, May 13, 2017, 17-34, Board, May 12, 2018]

4.4.4.3 Should the candidate elect not to appeal to the Appeal and Grievance Committee, then upon receipt of a written statement from the candidate or upon the expiration of the sixty-day period referred to in Section 4.5.1.2, whichever is earlier, the President shall inform the candidate that the candidate has been denied tenure and/or promotion. At this point, copies of the President's letter, along with the recommendation of the Ad Hoc Reconsideration Committee, shall be sent to the Department Head/Program Chair, who will make these documents available to members of the Departmental/Program Review Committee**.** [Rev. 16-38, Board, May 13, 2017; 22-36, Board May 19, 2023]

4.4.4.4 Should the candidate elect to appeal to the Appeal and Grievance Committee, the candidate shall follow the procedure described in Section 4.5. A copy of the recommendation of the Ad Hoc Reconsideration Committee shall be sent to the Department Head/Program Chair only after the appeal process has been completed. *[Rev. 16-38, Board, May 13, 2017]*

4.4.4.5 Early consideration. In the case of a tenure candidate who was considered before their mandatory year, the Ad Hoc Reconsideration Committee and/or President may decide to defer the candidate under 4.3.9 (see Section 4.1.6.6). [Rev. 16-38, Board, May 13, 2017]

4.5 Procedure with respect to negative recommendations.[3] [99-31, Board, May 19, 2000]

4.5.1 A tenure-track Faculty member who is a candidate for reappointment may appeal a negative recommendation from their department/program or the Promotion, Tenure, and Review Case Committee through a letter of appeal to the Appeal and Grievance Committee, asserting the particulars that presumptively warrant the Appeal and Grievance Committee's review. In the case of an appeal of a negative reappointment recommendation from only the department/program, the phrase "the Promotion, Tenure, and Review Case Committee" shall be read as "the department/program" or "the Promotion, Tenure, and Review Case Committee" or "the department/program and the Promotion, Tenure, and Review Case Committee," as appropriate, in the remaining clauses of 4.5. [04-14, Board Jan. 29, 2005, 17-07, Board, Oct. 21, 2017]

A Faculty member who is a candidate for tenure and/or promotion may appeal a negative recommendation from the Promotion, Tenure, and Review Case Committee or from the Ad Hoc Reconsideration Committee through a letter of appeal to the Appeal and Grievance Committee, asserting the particulars that presumptively warrant the Appeal and Grievance Committee's

[3] Underscored words are defined in the section on definitions, 4.5.8

review. In the case of an appeal of a negative decision by the Ad Hoc Reconsideration Committee, the phrase “the Promotion, Tenure, and Review Case Committee” shall be read as “the Ad Hoc Reconsideration Committee” in Sections 4.5.1.2 and 4.5.2 below. [99-31, Board, May 19, 2000, Rev. 04-14, Board Jan. 29, 2005, 17-07, Board, Oct. 21, 2017, 17-36, Board, May 12, 2018]

4.5.1.1 It is recommended that in the preparation of a letter of appeal, the candidate seek advice from a senior member of the Faculty. [99-31, Board May 19, 2000]

4.5.1.2 The candidate must deliver their letter of appeal to the chair of the Appeal and Grievance Committee, with a copy to the Provost, within sixty calendar days of receiving the letter containing the final recommendation of the Promotion, Tenure, and Review Case Committee. The Provost will provide the Appeal and Grievance Committee, through the chair, with a copy of the Promotion, Tenure, and Review Case Committee’s letter of recommendation. [99-31, Board, May 19, 2000, Rev. 05-13, Board, May 19, 2006, 17-07, Board, Oct. 21, 2017]

4.5.2 Grounds. The only permitted grounds for appeal are

a. that the Promotion, Tenure, and Review Case Committee unreasonably evaluated (whether by overvaluing or undervaluing) any or all evidence in the file, or relied upon an earlier unreasonable evaluation of any portion or aspect of the candidate’s work; or [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017]

b. that the Promotion, Tenure, and Review Case Committee relied upon non-germane evidence, or evidence not properly before the Promotion, Tenure, and Review Case Committee; or [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017]

c. that the Promotion, Tenure, and Review Case Committee committed a procedural error, or did not take into account a procedural error that occurred in an earlier evaluation of the candidate’s work; or [85-31.8, 99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017]

d. that the Promotion, Tenure, and Review Case Committee violated the candidate’s professional, academic, or EEO rights, or did not take into account an earlier violation of those rights (provided, however, that items a - c in this list shall not in themselves be considered violations of the candidate’s professional, academic, or EEO rights); or [93-7, 96-8, 99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017]

e. that pertinent new evidence exists. [85-31.8, 96.8, 99-31, Board, May 19, 2000]

4.5.3 Preliminary Judgment. If in the Appeal and Grievance Committee’s preliminary judgment any of the asserted particulars fall within the permitted grounds for appeal and would be material if true, the Committee shall investigate those claims to the extent it deems warranted, using the record. [99-31, Board, May 19, 2000, Rev. 05-14, Board, May 19, 2006]

4.5.4 Investigation. If in the Appeal and Grievance Committee’s judgment any asserted particular falling within the permitted grounds for appeal is, from clear and convincing evidence in the record, both true and material, the Committee will reconsider the case. [85.31.8, 93-7, 96-8, 97-7, 99-31, Board, May 19, 2000, Rev. 05-14, Board, May 19, 2006]

4.5.5 Procedure in cases of negative decisions by the Promotion, Tenure, and Review Case Committee that occurred without the President’s substantive participation. [Rev. 17-07, Board, Oct. 21, 2017, 17-37, Board, May 12, 2018]

4.5.5.1 Meeting with the President. [Rev. 07-26, 17-37, Board, May 12, 2018]

4.5.5.1.1 In the case where the Promotion, Tenure, and Review Case Committee has made a negative recommendation, and the President had not participated substantively in the Case Committee's review, after the Appeal and Grievance Committee has completed the preliminary judgment and investigation stages, or after it has completed the preliminary judgment stage if there is no investigation, the Committee shall meet with the President to present its findings and engage in dialogue about the case. Prior to this meeting, the President shall have access to all of the materials considered by the Appeal and Grievance Committee concerning the case, including the minutes of the Committee. [Rev. 07-26, 17-07, Board, Oct. 21, 2017, 17-37, Board, May 12, 2018]

4.5.5.1.2 If after this meeting, the Appeal and Grievance Committee determines that further deliberations under Sections 4.5.3 or 4.5.4 are needed, the Committee shall engage in such deliberations. [Rev. 07-26]

4.5.5.1.3 If the Appeal and Grievance Committee decides that there will be no reconsideration, the Committee shall send its final report to the President. [Rev. 07-26]

4.5.5.1.4 If the Appeal and Grievance Committee decides that there will be a reconsideration, the Committee shall proceed to reconsider the case pursuant to section 4.5.5.2. [Rev. 07-26]

4.5.5.2 Reconsideration. [Rev. 05-14, Board, May 19, 2006]

4.5.5.2.1 After the Appeal and Grievance Committee reconsiders the case, it shall report its judgment to the President. [99-31, Board, May 19, 2000, 07-26]

4.5.5.2.2 If the President is not prepared to accept the judgment of the Appeal and Grievance Committee, the President and the Committee shall engage in dialogue and shall make every effort to resolve their differences. [99-31, Board, May 19, 2000, 07-26]

4.5.5.2.3 Following dialogue, if any, with the President, the Committee shall send the President its report. [99-31, Board, May 19, 2000, 07-26]

4.5.5.2.4 A positive recommendation in the report reverses any previous negative recommendation by the Promotion, Tenure, and Review Case Committee. [99-31, Board, May 19, 2000, 07-26, 17-07, Board, Oct. 21, 2017]

4.5.5.2.5 A negative recommendation in the report sustains the previous negative recommendation of the Promotion, Tenure, and Review Case Committee. [99-31, Board, May 19, 2000, 07-26, 17-07, Board, Oct. 21, 2017]

4.5.6 Procedure in other cases. [Added 17-37, Board, May 12, 2018]

4.5.6.1 Meeting without the President [Added 17-37, Board, May 12, 2018]

4.5.6.1.1 Where an appeal takes place following a decision by the Ad Hoc Reconsideration Committee, or when there is an appeal after the Promotion, Tenure, and Review Case Committee reversed an Initial positive decision after a dialogue with the President, because of the President's prior participation in the tenure process, the Appeal and Grievance Committee will meet without the President. [Added 17-37, Board, May 12, 2018, Rev. 17-07, Board, Oct. 21, 2017]

4.5.6.1.2 If the Appeal and Grievance Committee decides that there will be no reconsideration, the Committee will send its final report to the President. [Added 17-37, Board, May 12, 2018]

4.5.6.2 Reconsideration [Added 17-37, Board, May 12, 2018]

4.5.6.2.1 If the Appeal and Grievance Committee decides that there will be a reconsideration, the Committee shall reconsider the case and send its final report to the President. [Added 17-37, Board, May 12, 2018]

4.5.6.2.2 A positive recommendation in the report reverses any previous negative recommendation by the Promotion, Tenure, and Review Case Committee or by the Ad Hoc Reconsideration Committee. [Added 17-37, Board, May 12, 2018, Rev. 17-07, Board, Oct. 21, 2017]

4.5.6.2.3 A negative recommendation in the report sustains the previous negative recommendation of the Promotion, Tenure, and Review Case Committee or of the Ad Hoc Reconsideration Committee. [Added 17-37, Board, May 12, 2018, 17-07, Board, Oct. 21, 2017]

4.5.7 Disposition of the recommendation.

4.5.7.1 If the Appeal and Grievance Committee reports a positive recommendation and the President concurs, then the President submits a recommendation for award of tenure or promotion to the Educational Policy Committee of the Board of Trustees. [93-7, 96-8, 99-31, Board, May 19, 2000]

4.5.7.2 If the Appeal and Grievance Committee reports a negative recommendation and the President concurs, then the candidate may appeal to the Board of Trustees. If the candidate elects to do so, the candidate must do so in writing, through the Board's Secretary, not more than fourteen calendar days after receiving a copy of the report and the decision of the President. The appeal to the Board of Trustees must be limited to the particulars asserted in the candidate's original letter of appeal, any additional particulars taken into account by the Appeal and Grievance Committee (see 4.5.8.2.2), and any alleged violations that occurred or were discovered during the appeal process. At the invitation of the candidate, the candidate's Department Head/Program Chair may join in the appeal. The Board of Trustees shall consider the appeal and report its decision to the candidate, the President, and the Provost as soon as possible. The Provost, in turn, shall report the decision to the Appeal and Grievance Committee and to the Promotion, Tenure, and Review Case Committee and Ad Hoc Reconsideration Committee (if any) that considered the case. An appeal to the Board of Trustees is appellate in character; normally, the Board of Trustees does not undertake a de novo review but determines whether the procedures of the College were properly followed. [93-7, 96-8, 99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017, 17-37, Board, May 12, 2018]

4.5.7.3 If the Appeal and Grievance Committee issues a recommendation with which the President does not concur, the recommendation shall be referred to the Board of Trustees for a full review. The Board of Trustees will have access to the record, the report, and the President's written statement of compelling reasons for not concurring. The Appeal and Grievance Committee and the candidate will receive the President's statement of compelling reasons and will have an opportunity to respond in writing. If the Board of Trustees affirms either the President's or the Appeal and Grievance Committee's recommendation, the Board's decision will be final. Alternatively, the Board may return the case to either the Appeal and Grievance Committee or the President for reconsideration in whole or in part and a further recommendation, which shall go directly to the Board of Trustees for its final decision. [85-31, 93-7, 96-8, 99-31, Board, May 19, 2000]

4.5.7.4 If a negative recommendation by the Promotion, Tenure, and Review Committee is reversed by reconsideration by the Appeal and Grievance Committee (4.5.7.1) or by a direct appeal to the Board of Trustees (4.5.7.2), the Provost shall write a new summary letter for the file. The new letter will replace the original PTR letter and summarize the conclusions of the Appeal and Grievance Committee or the conclusions of the Board of Trustees as appropriate,

addressing reevaluated sections of the file following a reconsideration. The new letter will also incorporate conclusions from the original Promotion, Tenure, and Review Committee for sections of the file that were not re-evaluated by the Appeal and Grievance or the Board of Trustees upon special appeal. This revised letter will replace the original letter and will then be released to the faculty member and the DRC and become part of the candidate's file. [Added 22-23, Board May 19, 2023]

4.5.8 Definitions.

4.5.8.1 the file: all materials that were available to the Promotion, Tenure, and Review Case Committee in its deliberations on the candidate's case. [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017]

4.5.8.2 the record:

4.5.8.2.1 the record shall include all of the following:

a. the candidate's letter of appeal, and any new evidence provided by the candidate; [99-31, Board, May 19, 2000]

b. the file; [99-31, Board, May 19, 2000]

c. the confidential minutes of the Promotion, Tenure, and Review Case Committee's consideration of the candidate's case; [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017]

d. the recommendation letter of the Promotion, Tenure, and Review Case Committee; [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017, 17-38, Board, May 12, 2018]

e. any correspondence between the candidate and the President, the Provost, or the Promotion, Tenure, and Review Case Committee concerning the recommendation of the Promotion, Tenure, and Review Case Committee; [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017, 17-38, Board, May 12, 2018]

f. any correspondence between the President and the Promotion, Tenure, and Review Case Committee concerning the Promotion, Tenure, and Review Case Committee's recommendation; [Added 17-38, Board, May 12, 2018, 17-07, Board, Oct. 21, 2017]

g. summaries of any meeting(s) between the President and the Promotion, Tenure, and Review Case Committee; [Added 17-38, Board, May 12, 2018, Rev. 17-07, Board, Oct. 21, 2017]

h. the President's letter of non-concurrence, if any; [Added 17-38, Board, May 12, 2018]

i. the Promotion, Tenure, and Review Case Committee's response to the President's letter of non-concurrence, if any; [Added 17-38, Board, May 12, 2018, Rev. 17-07, Board, Oct. 21, 2017]

j. any correspondence from the candidate responding to any letter of non-concurrence from the President or the Promotion, Tenure, and Review Case Committee's positive recommendation and response to the President's letter of non-concurrence, if any; [Added 17-38, Board, May 12, 2018, Rev. 17-07, Board, Oct. 21, 2017]

k. corresponding items relating to the Ad Hoc Reconsideration Committee, in the event the case is considered by that Committee; and [Added 17-38, Board, May 12, 2018]

l. any further written information that the Appeal and Grievance Committee may request from any party. If in the judgment of the Appeal and Grievance Committee the recommendation letter of the Promotion, Tenure, and Review Case Committee and/or the Ad Hoc Reconsideration Committee lacks the requisite detailed explanatory justification, the Appeal and Grievance Committee shall request the Promotion, Tenure, and Review Case Committee and/or the Ad Hoc Reconsideration Committee to provide written clarification or amplification of the recommendation. Although the Appeal and Grievance Committee will ordinarily confine itself to written evidence, at its discretion it may take oral testimony when assessing claims that the candidate's rights have been violated, provided that a transcript of such testimony is entered into the record and made available to the candidate and to the person giving the testimony. The candidate shall have access to all additional information or testimony (except as provided in 4.5.8.2.3) and shall have the right to respond. [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017, 17-38, Board, May 12, 2018]

4.5.8.2.2 When the Appeal and Grievance Committee, as a result of its greater access to confidential information, finds clear and convincing evidence of material particulars that lie within the permitted grounds of appeal but that the candidate could not have known, the Committee shall make a summary of such evidence available to the candidate. After the candidate has had an opportunity to respond, the Committee shall take such particulars into account in its review and in its decision on whether to reconsider. [99-31, Board, May 19, 2000]

4.5.8.2.3 All items in the record except the confidential minutes of the Promotion, Tenure, and Review Case Committee's or the Ad Hoc Reconsideration Committee's consideration of the candidate's case and any confidential documents pertaining to another member of the Faculty shall be made available to the candidate. The candidate shall have the right to designate an agent for purposes of confidential review of that part of the record that is open to the candidate; see 4.1.4.5. [89-10, 99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017, 17-38, Board, May 12, 2018]

4.5.8.3 <u>new evidence</u>:

4.5.8.3.1 The new evidence must have existed at the time the Promotion, Tenure, and Review Case Committee voted its recommendation or else must specifically pertain to evidence that was in the file or otherwise in existence when the Promotion, Tenure, and Review Case Committee voted. [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017]

4.5.8.3.2 Student evaluations for the semester during which the Promotion, Tenure, and Review Case Committee's review took place shall not alone constitute new evidence, nor may a candidate who has elected not to release the individual evaluation forms release them on appeal. [96-8, 99-31, Board, May 19, 2000, 12-14, 17-07, Board, Oct. 21, 2017]

4.5.8.3.3 In scholarship, new evidence shall be restricted to demonstrable acceptance for publication, funding, presentation, exhibition, or performance of significant work that was identified in the file as submitted for review. [98-40, 99-31, Board, May 19, 2000]

4.5.8.4 <u>material</u>: so substantial and important that it could affect the outcome of the case on reconsideration. In reaching a judgment that a finding is material, the Appeal and Grievance Committee is not required to analyze the specific decision-making process of the Promotion,

Tenure, and Review Case Committee but rather to ask how such a decision should reasonably be made. [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017]

4.5.8.5 reconsider: determine anew whether the record merits a positive recommendation. In its reconsideration, the Appeal and Grievance Committee may, at its discretion, accept without further review any Promotion, Tenure, and Review Case Committee findings that have not been called into question during the appeal. The Appeal and Grievance Committee shall apply the same standards as are applicable to the consideration of any case by the Promotion, Tenure, and Review Case Committee. [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017]

4.5.8.6 the report: a confidential letter from the Appeal and Grievance Committee to the President (or to the Board, if the President has not met with the Appeal and Grievance Committee), stating the Committee's findings, including the reasons for its determination of the truth and materiality of the particulars asserted or otherwise discovered. If the Committee reconsiders the candidate's case, the report shall make either a positive or a negative recommendation; and the report shall provide a detailed explanatory justification for the conclusion it reached on reconsideration, along with a summary of dissenting opinion. Following the President's decision (or, in cases where the President has not met with the Appeal and Grievance Committee, following the issuance of the report of the Appeal and Grievance Committee), a copy of the report shall be sent to the candidate; the candidate's Department Head/Program Chair; the Provost; and the Promotion, Tenure, and Review Case Committee. Appended to the report shall be a listing of any procedural rulings made by the Appeal and Grievance Committee during the appeal (omitting reference to the candidate and other identifying particulars), and this appendix shall be preserved and made available to members of future Appeal and Grievance Committees. [99-31, Board, May 19, 2000, 17-07, Board, Oct. 21, 2017, 17-38, Board, May 12, 2018]

4.5.9 Additional provisions.

4.5.9.1 All parties shall have the responsibility to cooperate with a request from the Committee for information or written or oral testimony. [93-7, 99-31, Board, May 19, 2000]

4.5.9.2 A candidate may initiate an appeal of a negative recommendation only once. [85-31.8, 99-31, Board, May 19, 2000]

4.5.9.3 In no case may the process of appeal be a cause for the extension of the term of appointment beyond the established expiration date. [74-6, 85-31.8, 99-31, Board, May 19, 2000]

4.5.9.4 The Board of Trustees will hear only one appeal of a case and only after the Faculty appeal process has been otherwise complete. [Board interim policy, Oct. 22, 1994, 99-31, Board, May 19, 2000]

4.6 Recruitment Principles and Procedures [82-33, 07-41]

4.6.1 Principles: Faculty recruitment is undertaken to meet established institutional and department/program programmatic needs (see Section 4.1.4.1) and should occur only when administrative, departmental/program, and faculty consensus has been reached on the terms and conditions by which that need will be met. A proper search and selection process should be directed toward achieving the goals of the institution and except as specified in Section 4.6.3 should at the same time assure each potential candidate the opportunity for a full, fair, and equitable consideration. The objectives are normally met by: (1) proper professional representation in the search and selection process; (2) an explicit description of the position to be filled; (3) appropriate publicity concerning the vacancy including meaningful communication directed toward gender diverse candidates and candidates from historically underrepresented

groups; (4) adequate evidence of candidate qualifications; (5) fair, comprehensive, and prompt evaluation of all candidates. [Added 1983; 07-41, 17-21, Board, Oct. 13, 2018]

4.6.2 Search Committee: For positions which are to be filled by appointment at the rank of Instructor, Assistant Professor, Associate Professor, or Professor, a search committee shall be appointed by the Dean of the Faculty in consultation with the Department Head/Program Chair. This committee shall include the Department Head/Program Chair, a senior member of the department/program, a senior member of a related department/program, and other faculty members as deemed appropriate. Where possible, a junior faculty member will be included on the search committee, as will gender diverse faculty members and faculty members from historically underrepresented groups. Departures from this pattern shall occur only with the approval of the Provost or Dean of the Faculty. [Added 1983, 92-25, 07-41, 2014, 2015, 17-21, Board, Oct. 13, 2018]

4.6.2.1 The Search Committee will:

*4.6.2.1.1 Recruit candidates by notifying professional societies and graduate placement offices of the vacancy using a job description; the Department Head/Program Chair and the Committee are responsible for making sure that gender diverse candidates and candidates from historically underrepresented groups are sought actively through advertising and other recruiting; Human Resources should be consulted as to appropriate advertising and other means by which the requirements of the Equal Employment Opportunity program may be met**.** [Added 1983, Rev. 17-21, Board, Oct. 13, 2018, Rev. 2023, 2026]

4.6.2.1.2 Review applications and select the best qualified candidates for interviews on campus, interview candidates, and, where possible, arrange for presentations by them in a teaching situation to which students and faculty are invited. [Added 1983]

4.6.3 Target of Opportunity searches. In exceptional cases, a “target of opportunity” recruitment program will facilitate the recruitment of candidates whose potential interest in the College is identified outside a normal search process. [Rev. 07-41, 11-19]

4.6.3.1 A department/program may, at any time, propose an individual’s candidacy. After considering the candidate’s merits, particularly their potential for contributions to teaching, scholarship, and service, and after determining that there is strong support for the candidate, the department/program will forward a written proposal to the Dean of the Faculty. The proposal shall include evidence of the strength of the department/program’s support of the candidate and, if applicable, commentary offered by department/program members who do not support the decision to recruit the candidate. The proposal must include the signatures of all members of the department/program that is submitting it. Any member of the department/program may write an individual letter for inclusion in the proposal; all such letters will be made available to all members of the department/program prior to submission of the proposal to the Dean of the Faculty. [Rev. 07-41, 12-21, 2014]

4.6.3.2 The proposal must demonstrate that the candidate is exceptional in their field and/or that the candidate is likely to have an exceptional impact on the strategic goals of the College; these goals may include, but are not limited to, diversifying the Faculty. The proposal must justify the need to hire the candidate outside of a normal search process and must provide all reasons underlying the department/program’s decision to utilize the Target of Opportunity recruitment program. [Rev. 07-41, 12-21]

4.6.3.3 The proposal must include the candidate’s curriculum vitae and an assessment of their professional accomplishments. The proposal must also include an explanation of the teaching and scholarly contributions that the candidate can offer to the College, and an explanation of how hiring the candidate will advance the College’s strategic initiatives. [Rev. 07-41, 12-21]

4.6.3.4 The Dean of the Faculty and the Provost will solicit the Staffing and Compensation Committee's advice on a proposal. [Rev. 07-41, 2014, 23-25, 24-17, Board May 23, 2025]

4.6.3.5 The Dean of the Faculty and the Provost, if they authorize recruiting the candidate, will constitute a recruitment committee, which will include the head of the department/chair of the program with which the candidate will affiliate, at least two additional members of the department/program, and a senior member of another department/program. If the candidate is expected to offer courses in a program, the Dean of the Faculty will appoint a member of that program to the recruitment committee. [Rev. 07-41, 2014]

4.6.3.6. The Recruitment Committee will gather additional evidence of the candidate's qualifications, will interview the candidate and, where possible, will arrange for a presentation by the candidate in a teaching situation to which students and faculty are invited. [Rev. 07-41]

4.6.4 Procedures. The Search (or Recruitment) Committee will [Rev. 07-41]

4.6.4.1 Schedule private interviews for candidates with other members of the department/program, the Dean of the Faculty, and/or the Provost; for those candidates being considered for the ranks of Associate Professor and Professor without immediate tenure, an interview with the President also shall be arranged; and in the case of a Professor, the Committee should provide interviews with senior members of related departments/programs. [Added 1983, Rev. 1991, 07-41, 2014, 2015]

In addition, a candidate for the rank of full professor with immediate tenure will be interviewed by the full professors of the department/program; a candidate for the rank of associate professor with immediate tenure will be interviewed by the tenured members of the department/program. As appropriate, all candidates will be interviewed by the senior members of related departments/programs. Following the interview, the participating members of the department/program will convene to discuss the candidate's suitability for the awarding of tenure. Subsequently, the Department Head/Program Chair will submit a letter to the Dean of the Faculty summarizing the departmental/program discussion; department/program members also provide the Dean of the Faculty and the Provost with individual letters of evaluation and recommendation. Likewise, the members of programs to which the candidate would contribute will convene to discuss the candidate's suitability for the awarding of tenure. A summary of their discussion as well as individual letters of evaluation and recommendation will be submitted to the Dean of the Faculty and the Provost. [Rev. 07-41, 2014]

4.6.4.2 Report in writing to the Dean of the Faculty and the Provost; this report will include: (a) the Committee's evaluation of the primary candidates; (b) the Committee's recommendation. In recommending candidates who have not completed the terminal degree, search committees normally should recommend only candidates who have an excellent chance of completing all final degree requirements by the end of their second year of employment at Lafayette College. [Added 1983, 88-14, 2014]

*4.6.4.3 Through the Provost's Office, provide Human Resources as the Equal Employment Opportunity Officer with the necessary documentation concerning the recruitment and selection of the candidate. [Added 1983, Rev. 1991, 2023, 2026]

4.6.4.4 Make provision for the permanent retention of records of the process. [Added 1983]

4.6.4.5 If the candidate is being considered for the rank of Associate Professor or Professor and if tenure is to be considered within three years, the Provost shall bring the Committee's recommendation to the Promotion, Tenure, and Review Committee for review and recommendation to the President. If tenure is to be awarded immediately upon appointment, the Provost shall bring the recommendations of the department/program and related

departments/programs to all the members of the Promotion, Tenure, and Review Committee (who do not have a conflict of interest) for review and recommendation to the President. [Added 1983, Rev. 1991, 07-41, 17-06, Board, Oct. 21, 2017]

4.6.5 The appointments of short-term and part-time personnel are made by the Dean of the Faculty upon recommendation of the Department Head/Program Chair. [Added 1983, Rev. 2014]

4.7 Interdisciplinary Appointments

See Appendix M for a description of procedures for appointment and review of faculty members holding interdisciplinary appointments. [08-32]

4.7.1 Faculty who occasionally teach courses outside their home department/program may receive a courtesy appointment in the program or department where they occasionally teach. The terms of such an appointment shall be based on a Memorandum of Understanding between the home department/program and the courtesy program or department to specify the time period of the appointment, faculty privileges and support, responsibilities, and evaluation, as addressed in Appendix M. [08-32]

4.7.2 Faculty who regularly teach one course per year outside their home department/program may receive an affiliated appointment in the program or department where they contribute. The terms of such an appointment shall be based on a Memorandum of Understanding between the home department/program and the program or department to which the faculty member contributes, in order to specify the time period of the appointment, faculty privileges and support, responsibilities, and evaluation, as addressed in Appendix M. [08-32]

4.7.3 Faculty who teach 30-70 percent of their courses in one department or program (X) and the remainder in another department or program (Y) may receive a joint appointment. A joint appointment refers to a faculty member whose teaching responsibilities are divided between two entities (departments and/or programs) for either the term of appointment or for a time-limited period. The terms of such an appointment shall be based on a Memorandum of Understanding between the two entities, in order to specify the time period of the appointment, faculty privileges and support, responsibilities, and evaluation, as addressed in Appendix M. There are two models for joint appointments: Integrated, in which X and Y act as one; and Collaborative, in which X and Y sometimes act separately and sometimes act as one. These models are described in Appendix M. [08-32]

4.7.4 If an Interdisciplinary Program has been allocated a position to hire a faculty member whose teaching and research are fundamentally interdisciplinary in nature, or in exceptional circumstances when a candidate's teaching and research are interdisciplinary in nature, such that a courtesy, affiliated, or joint appointment is not appropriate, an Interdisciplinary Program may put a candidate forward for appointment as a Lecturer, Senior Lecturer or a tenure track position through that Program. In such cases, the procedures for review and promotion will follow, as closely as possible, the existing procedures outlined in the *Faculty Handbook*, with the Program Chair and tenured members of the Interdisciplinary Program (or as specified in the candidate's Memorandum of Understanding) serving as the Program Review Committee as specified in Section 4.3.1.3. The terms of such an appointment shall be based on a Memorandum of Understanding that specifies the time period of the appointment, faculty privileges and support, responsibilities, and evaluation, as addressed in Appendix M. [08-32; 22-33, Board May 19, 2023]

4.8 Short-Term and Part-Time Appointments

Officers of Instruction are appointed with the expectation that they will provide high-quality instruction in the classroom, scholarly competence, mature, competent counseling, and some measure of the diversity

found in the Lafayette undergraduate population. The College believes these purposes are usually accomplished best by the full-time employment of faculty members. It is recognized, however, that there are advantages to the educational program offered by some persons who do not provide full-time or long-term service. [81-2]

4.8.1 Short-Term, Full-Time Appointments

On occasion it is necessary or advantageous to make a short-term, full-time appointment. Examples may be the necessity to replace a faculty member on leave or a need to fill a vacancy on short notice. Additionally, such an appointment may be made to enable the College to utilize the ability of a person with expertise in a special area who is available for a brief period only, or to take advantage of a funded visitor's program. [81-2]

4.8.1.1 Appointees in this category may have titles ranging from Lecturer to Professor depending on the qualifications of the individual. The title includes the word "visiting" to indicate the short-term nature of the appointment. [81-2]

4.8.1.2 The length of the appointment or series of appointments is normally limited to two years. Appointment to regular faculty status as defined by the *Statutes* (Chapter III, Articles I, II), as opposed to "visiting," can occur only as a result of a regular search procedure. [81-2]

4.8.1.3 Appointees in this category are not members of the Faculty and are ineligible for tenure. [81-2, Rev. 1984]

4.8.2 Short-Term, Part-Time Appointments

On occasion the College may appoint an individual as a short-term, part-time Officer of Instruction in the case of unexpectedly high enrollments, to fill a temporary vacancy, or to provide expertise in a specialty. [81-2]

4.8.2.1 Appointments in this category include the term "visiting" and the part-time nature of the appointment is specified in the letter of appointment. [81-2, Rev. 1988]

4.8.2.2 The length of the appointment is normally one semester. Periodic renewals may occur upon evaluation, review of performance, and recommendation by the Department Head/Program Chair or the Dean of the Faculty. Part-time faculty members are evaluated by the Promotion, Tenure, and Review Committee or the Dean of the Faculty, if the Committee delegates this responsibility to the Dean of the Faculty (see Section 4.3.2.2). For review schedule and procedures, see Section 4.8.5. [81-2, Rev. 1994, 1996, 10-14, 14-04]

4.8.2.3 Appointment to regular faculty status as defined by the *Statutes*, as opposed to "visiting," can occur only as a result of a regular search procedure. [81-2]

4.8.2.4 Appointees in this category are not members of the Faculty and are ineligible for tenure. [81-2]

4.8.3 Regular Faculty on a Part-Time Basis for a Short-Term

A full-time Officer of Instruction on regular appointment may apply for part-time status for a temporary period. This may occur if the individual has research or other projects which demand extra time, for health, because of family obligations, or for other reasons. The College will normally grant this application if the appointment of the person to a part-time basis contributes to the accomplishments of the mission of the College through development or completion of scholarly projects, or other academic reasons, for institutional purposes or personal needs. [81-2]

4.8.3.1 Any Officer of Instruction with at least two years of full-time service is eligible for consideration for such an appointment, subject to the needs of the department/program and to the individual's provisional status. [81-2]

4.8.3.2 The length of time for regularly appointed faculty members to continue on part-time status is normally limited to two years. [81-2]

4.8.3.3 Normally, only those years of full-time service at the rank of Instructor or higher at Lafayette are counted toward the probationary period. However, other arrangements mutually agreeable to the Provost and the faculty member may be made. [81-2]

4.8.3.4 Return to full-time faculty status occurs in accord with the terms of appointment and is automatic if the individual is tenured. [81-2]

4.8.3.5 During the period of part-time employment, faculty members will retain their academic rank and membership in the Faculty. [81-2]

4.8.4 Long-Term, Part-Time Appointments

The appointment of a nontenured Officer of Instruction to a position on a part-time basis may continue in support of specialized ongoing programs such as laboratories or internships. These persons are invited to attend Faculty meetings without voting privileges (see Section 4.1.2.2). [81-2]

4.8.4.1 Normally the title of such appointees is Assistant, Associate, or Lecturer. [81-2]

4.8.4.2 Appointments are usually made for one year with reappointment depending upon the needs of the College. Normally, the individual will be on no more than half-time assignment as determined by the Dean of the Faculty and the Department Head/Program Chair, taking into account the nature of the duties. During each year, the position and the performance of the individual are reviewed. Part-time Officers of Instruction are evaluated by the Promotion, Tenure, and Review Committee or the Dean of the Faculty, if the Committee delegates this responsibility to the Dean of the Faculty (see Section 4.3.2.2). For review schedule and procedures, see Section 4.8.5. [81-2, Rev. 1990, 09-21, 10-14, 14-04]

4.8.4.3 Appointment of the individual on a regular basis occurs only as the result of a regular search procedure and only if the related position becomes full-time. [81-2]

4.8.5 Procedures for Review of Part-Time Instructors [Rev. 09-22]

Part-time instructors who are employed repeatedly must be reviewed and evaluated, normally before a contract is issued for a fourth semester following the initial semester or the prior review. The Department Head/Program Chair or the Dean of the Faculty, will ask the instructor to submit written materials, normally to include teaching materials (such as syllabi) and student evaluations. The Department Head/Program Chair or Dean of the Faculty, as appropriate, will then meet with the instructor and will prepare a written report to be submitted to the Dean of the Faculty, with a copy to the instructor. [Rev. 09-22, 10-14, 14-04]

Like their full-time counterparts, part-time classroom and laboratory instructors should participate in the College's student evaluations process as set forth in Section 4.2.1.1.2. Prior to the review, the Department Head/Program Chair or the Dean of the Faculty is encouraged to arrange for peer observation of part-time instructors' teaching. [Rev. 09-22, 10-14, 2014]

If possible, written reviews of part-time instructors should be completed before or with the annual report of the department/program. Annual reports should list part-time and short-term instructors and expected schedules for review. [Rev. 09-22, 2014]

4.9 Termination of Appointment

4.9.1 Procedures for terminating the appointment of persons on tenure are described in Appendix S. [Rev. 11-9]

4.9.2 The status of a tenured faculty member with a medically certified disability will be considered one year after the onset of this disability, and tenure status will normally be terminated unless prognosis indicates ability to resume duties with full effectiveness within the next year. [Added 1976]

CHAPTER 5

FACULTY ORGANIZATION

5.0 The Rules for the Organization of the Faculty

The rules for the organization of the Faculty are made in accordance with Article II of Chapter III of the *Statutes*.

5.1 Meetings

Regular meetings of the Faculty are held on the first Tuesday of classes each semester, and on three additional days, normally Tuesdays, during each semester, as scheduled by the Clerk of the Faculty. The Clerk will not schedule a meeting on Election Day in a year when a Presidential or midterm election occurs. An additional regular meeting is held at an appointed time, normally Thursday, before Commencement. At the first regular meeting of the academic year, business is not ordinarily conducted. Special meetings may be held at the call of the President, at the request of five Professors, or when the Faculty deems it necessary. [Nov. 18, 1915, Statute 62, Rev. 04-26, 11-11; 20-52; 22-29, April 25, 2023]

5.1.1 The President presides at meetings of the Faculty; in the absence of the President, the Provost presides; if the President and the Provost are absent, a Professor appointed by the President presides. [Statutes 62, 92]

5.1.2 Faculty meetings are restricted. Attendance is limited to members of the Faculty and other persons who are invited by the Faculty to attend. The following are invited to attend Faculty meetings without voting privileges unless they otherwise have Faculty status: the Deans; the Registrar; the Vice Presidents, Associate Vice Presidents, and Assistant Vice Presidents; the Educational Equity Coordinator; the Director of the Center for the Integration of Teaching, Learning, and Scholarship (CITLS); the Director of Institutional Research; the Director of International and Off-Campus Education; a representative chosen by the Administrative Council; persons from the administrative staff who are nominated by the President on a need-to-know basis and are invited annually by the Faculty, or more frequently if need arises; members of the teaching staff, including part-time and visiting appointees, who are not members of the Faculty; any *ex officio* members of Faculty committees not named above; and student members of Faculty committees. [May 2, 1967, 72-2, 80-12, 92-10, 94-15, 06-5, 15-07, 18-9, 2020; Rev. 20-49, Rev. 2025]

5.1.2.1 A faculty member on leave or assigned to teach abroad has full speaking and voting privileges in Faculty meetings, provided that such a member notifies the Clerk upon arriving at the meeting. [Feb. 4, 1975, 98-3]

5.1.2.2 Emeriti faculty may attend meetings of the Faculty and participate in discussions, but shall have no vote. [Reported to Faculty March 6, 1979]

5.1.2.3 The President and the Vice President of Student Government and students who are members of Faculty committees are invited to attend stated meetings of the Faculty. They may speak to matters that are before the meeting. They do not have other rights that are normally associated with Faculty membership. [70-4]

5.1.2.4 The Faculty reserves the right to call a closed meeting or to enter into executive session. [70-4, Rev. 1998]

5.1.3 All official public reports of Faculty proceedings are made by the Clerk of the Faculty. [79-5]

5.2 The Clerk of the Faculty

The Clerk of the Faculty is appointed, with the concurrence of the President, and performs duties in accordance with Section 94 of the *Statutes*.

5.2.1 The term of office is three years and begins with the opening of the academic year. [Nov. 6, 1945, March 7, 1967]

5.2.2 The Clerk of the Faculty shall be elected according to the following procedure: [76-1]

a. The Clerk shall be a tenured member of the Faculty. [Statute 94, 76-1]

b. In February of the third year of the Clerk's term, the Governance Committee shall announce the impending vacancy and call for nominations. A letter nominating a Faculty member for Clerk and bearing the endorsement of five voting members of the Faculty may be submitted to the Governance Committee through its chair at least two weeks before the March Faculty meeting. [76-1, 04-27 22-08]

c. The Committee shall prepare a list of all eligible persons who receive five or more such endorsements, ascertain that nominees are willing to serve, and prepare a ballot listing all eligible and willing candidates. The Committee shall distribute the ballot in advance of the March meeting of the Faculty, providing the Faculty at least four days to vote electronically. Results of the election shall be reported to the Clerk, who shall report the results to the Faculty at the earliest opportunity. [76-1, 04-27, 22-08]

d. When an acting Clerk is required for less than one semester, they may be appointed by the President. When the Clerk is to be absent from the College for at least one semester, they will be replaced by election for the entire year using the procedure noted above. [04-27, Rev. 13-3]

5.2.3 The Clerk issues notices of and prepares agenda for Faculty meetings, prepares a tentative docket for the academic year at the beginning of each year, and urges committees to submit reports according to that schedule. The Clerk revises this docket whenever necessary and prepares an annual schedule of committee meetings before the start of the academic year. [April 3, 1928, April 2, 1968, 69-2, 69-3]

5.2.4 The Clerk keeps the permanent copy of the calls and minutes of Faculty meetings. The minutes contain, in addition to items dealing with place, time, attendance, etc., (1) reports of "what was done" by the Faculty and (2) summaries of "what was said" when what was said offers important information regarding the discussion of the proposed legislation or presented reports. [Statute 94, 79-3; Rev. 22-30 April 25, 2023]

5.2.5 The Clerk distributes copies of the minutes to all voting members of the Faculty and other persons who are invited by the Faculty to attend (see Section 5.1.2). The President of Student Government receives minutes only of regular sessions, not of executive sessions. The minutes of the meeting are summarized by the Clerk at the beginning of each meeting. Complete copies of the minutes, including the text of committee reports, statistical data, etc., are on file in the Offices of the Clerk and the College Archivist. Minutes before 1945-46 are in the custody of the College Archivist. [March 3, 1953, April 2, 1968, 75-4, 85-9, 1987, Dec. 1996, 1998; Rev. 22-30, April 25, 2023]

5.2.6 The Clerk attends meetings of the Board of Trustees and may participate in discussion but not vote. [Board, Sept. 18, 1970, Added 2006]

5.3 Rules for the Conduct of Business

Faculty meetings are conducted according to *Robert's Rules of Order* except as special rules have been enacted by the Faculty. It is the intent of the Faculty that its regular meetings adjourn before 6:00 p.m. If a meeting remains in session at 5:30 p.m., the Chair shall estimate whether the remaining business can be completed before 6:00 p.m. If the Chair concludes that it can, the meeting will be allowed to continue; if not, the Chair shall so inform the Faculty and call for adjournment until the next day at 4:15 p.m. or until such time as the Faculty may determine. [75-8, Rev. 1998, 2024]

5.3.1 Vote by Ballot

In meetings of the Faculty, a vote by ballot can be ordered on the request of any voting Faculty member and the concurrence by show of hands of twenty additional Faculty members. [92-29]

5.3.2 Action on Change of Policy

The Chair postpones action involving change in the established policy of the Faculty until the meeting following that at which the action was proposed, unless notice of intent to propose the change has been made in writing to each member of the Faculty at least one week before the meeting. Proposals involving change of policy may be referred by the Faculty to appropriate committees at the time of introduction. If the proposal of change is not referred to committee, the Chair reintroduces the postponed proposal under "Unfinished Business" for consideration by the Faculty at the subsequent meeting. This rule may be suspended by a two-thirds vote of those attending. [April 3, 1928, 69-1, Rev. 1998; 20-25]

5.3.3 Suspension of the Rules

When a motion "to suspend the rules" is made without prior notice (i.e., by the time of the distribution of the agenda to the Faculty meeting), that motion will be debatable. If prior notice has been given, the motion will not be debatable. [85-15]

5.3.4 Committee Reports

All committee reports of great detail, and those requiring Faculty action, are reproduced and copies are distributed to members of the Faculty in advance of the Faculty meeting at which the report is made. Insofar as possible, the report includes the evidence which the committee considered, both that supporting and that opposing its recommendations. Any member of the reporting committee has the right to include their personal views as an appendix to the report. [May 1, 1951, April 2, 1960, April 12, 1966, April 2, 1968]

5.3.5 Faculty Elections

All Faculty elections are conducted by the Governance Committee, which prepares, distributes, collects, and counts ballots and reports results of elections to the Clerk of the Faculty. [71-6]

5.3.5.1 Normally, elections take place in conjunction with a regular or special Faculty meeting. However, elections may be held at other times when needed to fill vacant committee positions in a prompt manner. [71-6, Rev. 22-08]

5.3.5.2 All Faculty elections are by preferential ballot. [71-6, 22-08]

*5.3.5.3 The Governance Committee makes nominations for Faculty positions on the College Budget Planning Committee and elected Faculty committees, except for positions on the Promotion, Tenure, and Review Committee and the divisional positions on the Appeal and Grievance Committee. A slate listing at least two nominees for each vacancy is submitted to

the Faculty at least 10 days before the voting closes. Additional nominations may be made by the Faculty as follows: A letter nominating a Faculty member for a particular position and bearing the endorsement of five voting members of the Faculty may be submitted to the Governance Committee through its Chair for a period of five business days after the proposed ballot is distributed. No nominations shall be made by other means. The Governance Committee then prepares and distributes ballots listing the names of all nominees, providing the Faculty at least four days to vote electronically. [71-6, 99-31, 04-11, 12-11, 16-27, 22-08, Rev. 2026]

5.3.5.4 Preferential ballots are counted according to the following procedure: [80-15]

a. Determine the Copeland winner, if there is one, as the candidate for whom the difference between the number of pairwise contests won and the number of pairwise contests lost is greatest. [80-15, Rev. 2000]

b. Determine the Borda winner, if there is one, as that candidate with the highest average preference ranking. [80-15]

c. If the Copeland winner loses the pairwise contest with the Borda winner, declare the Borda winner to be the winner of the election. Otherwise, declare the Copeland winner to be the winner of the election. [80-15]

d. If there are Copeland ties and a Borda winner, declare the Borda winner to be the winner of the election. [80-15]

e. If there are a Copeland winner and Borda ties, then, if the Copeland winner does not lose any pairwise contest with the Borda ties, declare the Copeland winner to be the winner of the election. If the Copeland winner does lose one or more pairwise contests with the Borda ties, declare the winner, or winners, of those contests to be the winner, or winners, of the election. [80-15]

f. If all of the above fails to produce a winner of the election, refer the matter to the President. [80-15]

5.3.5.5 Counting of ballots is completed and results of elections are reported to the Clerk of the Faculty within forty-eight hours of the closing time for voting. The Clerk reports the election results to the Faculty at the earliest opportunity. [71-6, Rev. 22-08]

5.3.5.2 <u>Balloting</u>

5.3.5.2.1 Except as provided under “Emergency balloting” below, ballots will be distributed prior to a regular or a special Faculty meeting, either by paper or electronically, with voting to conclude during the aforementioned meeting. [71-6, Rev. 04-28, 11-15]

5.3.5.2.2 Counting of ballots is completed and results of elections are reported to the Clerk of the Faculty and the President within forty-eight hours of the end of the meeting. [71-6]

5.3.5.2.3 The Clerk records the results of an election in the minutes of the meeting at which it occurs and reports the results to the Faculty at the earliest opportunity. [71-6]

5.3.5.2.4 Emergency balloting: If the Faculty directs an election be held outside the context of a Faculty meeting, the Clerk will record the results of emergency balloting in the minutes of the next Faculty meeting. [04-28, Rev. 13-18]

5.3.5.3 The Governance Committee makes nominations for positions on elective Faculty committees, except for positions on the Promotion, Tenure, and Review Committee and the divisional positions on the Appeal and Grievance Committee. A slate listing at least two nominees for each vacancy is submitted to the Faculty at least 10 days before the voting closes. Additional nominations may be made by the Faculty as follows: A letter nominating a Faculty member for a particular position and bearing the endorsement of five voting members of the Faculty may be submitted to the Governance Committee through its Chair for a period of five business days after the proposed ballot is distributed. No nominations shall be made by other means. The Governance Committee then prepares ballots listing the names of all nominees, providing the faculty at least four days to vote electronically. [71-6, 99-31, 04-11, 12-11, 16-27]

5.3.6 Faculty Members of Standing Committees of the Board of Trustees.

*In accordance with the following procedures, the Chair of the Board of Trustees appoints a Faculty member to membership on each of the following standing committees of the Board: the Committee on Student Life, the Committee on Audit, the Committee on Development and Alumni Affairs, the Committee on Educational Policy, the Committee on External Affairs, the Committee on Facilities and Infrastructure, the Committee on Financial Policy, and the Committee on Student Life. [Board, Sept. 18, 1970; Nov. 19, 1971; Jan. 28, 1995; Statutes 45-52, Added 2006; Rev. 2009, 10-16, 2014, 2023, 2024, 2026]

5.3.6.1 Nominations of Faculty members for appointment to Standing Committees of the Board of Trustees are made by ballot at a May meeting of the Faculty in even numbered years. [April 6, 1971, Rev. 1998]

5.3.6.2 Four candidates for each vacancy are chosen from the eligible persons by the Governance Committee. Candidates may be added to the ballot in accord with the Faculty's rules on ballot construction (5.3.5.3). [April 6, 1971, Rev. 1988, 06-24, Board, Oct. 20, 2007]

5.3.6.3 The Faculty, by preferential ballot, selects two nominees for each vacancy. The Governance Committee supervises the balloting. The names of the appointee and the alternate are published annually by the Clerk of the Faculty. [April 6, 1971, Rev. 1996, 06-24, Board, Oct. 20, 2007]

5.3.6.4 The names of the two nominees for each vacancy are reported to the Clerk of the Faculty, who transmits them to the President for transmittal to the Chair of the Board of Trustees, who appoints one as a regular member and the other as an alternate, the alternate to attend meetings only if the appointed faculty member is unable to attend. [April 6, 1971, 94-7, Rev. 1995]

5.3.6.5 The term of service on Standing Committees of the Board of Trustees has been established by the Board at two years with provision for one additional two-year term, but generally not for a third. [April 6, 1971]

5.3.7 Presentation of Business

Faculty members who wish to present business to the meeting should notify the Clerk of the Faculty before 11:00 a.m. on the Wednesday preceding the Faculty meeting so that it may be included in the agenda which is distributed before the meeting. When that Wednesday falls during a holiday period, or when the meeting does not fall on a Tuesday, the Clerk will announce the agenda deadline. [April 2, 1968, 69-3, 04-25, 08-17]

5.3.8 Communications

Any individual or group may address a communication to the Faculty through the Clerk. The Clerk reports to the Faculty if a communication has been received. The Clerk and the Chair together decide whether it is appropriate to present the communication to the Faculty. If there is any question about the propriety, the Clerk ascertains whether or not the Faculty wishes to receive the communication before presenting it.

5.3.9 Miscellaneous Special Rules of Order

5.3.9.1 The Right to Speak

Members of the Faculty are not restricted in the number of times they may speak about a matter before the Faculty. [96-4]

5.3.9.2 Parliamentarian

Any parliamentarian who may be appointed by the President will retain all speaking and voting privileges to which they are otherwise entitled. [97-6]

5.3.9.3 Absence of a Quorum

When the absence of a quorum has been established, it is in order to proceed with the presentation and discussion of reports; no action may be taken on a report so presented, however, and any such report will be listed again on the next meeting's agenda if any member so requests or if the report calls for action. The following motions, and related procedural motions, will be in order and may be voted upon in the absence of a quorum: [Added 22-08]

a. To request information;

b. To advise the President or other persons or bodies that the members present recommend;

c. To reconsider whether a quorum is present;

d. To take action to obtain a quorum later in the meeting or at a later meeting; and

e. To reschedule the meeting. [04-28]

5.4 Elected and Appointed Faculty Committees that are Responsible Primarily to the Faculty

5.4.1 Faculty committees that are primarily responsible to the Faculty are comprised of faculty members who are elected by the Faculty in accordance with Section 5.3.5. [94-1 (App. 2), 14-16, 23-35]

5.4.1.1 The President is an *ex officio* member of all Faculty committees except the Promotion, Tenure, and Review Committee; the Provost is an *ex officio* member of all Faculty committees except the Appeal and Grievance Committee.[4] Other administrative officers serve as *ex officio* members of the committees concerned with their special duties and interests. *Ex officio* members who have faculty status have the right to vote in committee. (In cases where an *ex officio* member sends a representative who does not have faculty status, the representatives will be treated as if they do for voting purposes within the committee.)

[4] The Committees in which the President and the Provost normally participate are identified in the sections which follow.

However, no more than one *ex officio* member may exercise the right at any one time. [Statute 62, May 1, 1951, 79-7, 94-1 (App. 2), Rev. 1998, 99-31; Board, May 19, 2000, 13-20]

5.4.1.2 The term of membership for regularly chosen members of committees, unless prescribed otherwise, is three years beginning at the start of the academic year following election or appointment. When a vacancy occurs before expiration of a regular term, a faculty member is chosen by election or appointment to complete the unexpired portion of the term. In those unusual instances when it is necessary for a committee to conduct business during the summer and where procedures for summer replacements are not specified elsewhere in the *Faculty Handbook,* the committee will consist of members from the previous academic year. For elected committees, faculty members are expected to serve three total years, even if that term of service is interrupted. At the conclusion of the term, the faculty member will normally be considered ineligible to serve on an elected faculty committee for the following academic year. If a faculty member is elected to a sequence of three consecutive one-year terms (even if on different committees), that faculty member shall also normally be ineligible to serve on an elected faculty committee for the following academic year. If an approved leave coincides with the year a faculty member is considered ineligible to serve, then the following academic year will be considered the year in which they are ineligible to serve. “Ineligible to serve” means that a faculty member is normally expected to be relieved from service for the following academic year. These faculty members will still appear on the ballots for three-year terms on the Promotion, Tenure, and Review Committee for the elections for which they are eligible but will be ineligible to appear on ballots for one-year replacement terms unless such exclusions would result in fewer than four candidates on the ballot. If a member is elected to begin a three-year term during their one year off, the Governance Committee will appoint the runner-up to serve a one-year replacement term, as indicated in Section 5.4.3.1.6.4, after which the winner shall serve their full three-year term (as described above). [78-15, 85-10, 05-10, 13-28, 18-7; Rev. 21-28, 23-35, 24-12]

5.4.1.3 The functions of these committees are to: [Rev. 14-16]

a. study questions referred to them by the Faculty; [79-9]

b. recommend to the Faculty changes in policies affecting their areas of responsibility; [79-9]

c. supervise administration of Faculty policies applicable to their areas of responsibility; [79-9]

d. advise the President and other administrative officers or Faculty committees when instructed or called upon to do so. In any case in which the advice provided has policy implications, budgetary implications, or is otherwise deemed of sufficient importance, this shall constitute “significant advice”; [[79-9, 04-37, 13-21]

e. whenever they have furnished significant advice, report that advice to the Faculty within 5 business days; [79-9, 04-37, 13-21]

f. report to the Faculty at least once each academic year. Reports from committees should include a description of the business conducted by the committee since its last report as well as its future agenda; [79-9, Rev. 13-21]

g. act for the Faculty on matters for which power to act is specifically granted by the Faculty; and [79-9]

h. exercise such other responsibilities as may be specifically assigned to them. [79-9; Rev. 1987]

5.4.1.4 The quorum for all Faculty committees shall be a majority of the elected or appointed Faculty members of the committee, except as otherwise provided in the rules of the Faculty. Decisions will be made by a majority vote of the members present. [77-4]

5.4.1.5 Scheduled meetings for each committee are shown on a calendar prepared by the Clerk of the Faculty prior to the beginning of the academic year. Some committees meet more frequently or less frequently than once a month, but each committee meets at least once each semester. Notices of meetings are issued at least one week in advance of the meeting. [May 1, 1951]

5.4.1.6 The chairs of Faculty committees are elected by committee members. [74-5, 74-7, 76-2]

5.4.1.6.1 Each chair of a committee shall report to the Secretary of Student Government the names of student members who are absent from stated meetings of the committee. [77-10]

5.4.1.6.2 Before July 1 of each academic year, the chair of each Faculty committee furnishes the Provost with a report of the activities of that committee.

5.4.1.6.3 For those committees whose meetings are scheduled by the Clerk of the Faculty, elections for chairs normally are held at the last regularly scheduled meeting of the year. For other committees, elections for chairs should be held prior to the last meeting of the Faculty. Each faculty member of the committee with prior experience on the committee is a nominee; however, no person may serve more than two years out of a three-year term as chair. Ordinarily, no faculty member should serve as chair of more than one committee, and ordinarily untenured, tenure-track faculty may not chair committees. A person who has been elected chair of more than one committee may withdraw from all but one chair in consultation with the Chair of the Governance Committee; in each case, the runner-up will be the duly elected chair of the committee. It is the responsibility of the current chair to construct the ballot and to distribute it to eligible voters (new and continuing members; one of the *ex officio* members with faculty status has a vote), to be returned not later than the meeting at which the election is scheduled. The preferential ballot is used. Ballots are sent to the chair of the Governance Committee for counting. So that the Faculty may be fully informed about the composition of its committees for the next academic year, where possible the names of the chairs are reported to the Faculty at its final meeting for the academic year. [May 1, 1951, 70-5, 79-7, 89-49, 94-5, Rev. 1998, 12-22, 16-20]

5.4.1.6.4 When there is an indicated need, the Clerk of the Faculty shall convene the chairs of the pertinent elected committees to enable communication and coordination among them to address that need. [Added 15-27]

5.4.1.7 It shall be understood that any faculty member is eligible to attend any Faculty committee meeting as an observer, with the exception that non-members may not attend meetings of the Promotion, Tenure, and Review Committee, the Appeal and Grievance Committee, or any other committee meeting during a discussion of an individual or personnel-related issue. [94-10, 02-16, 23-35]

5.4.2 Nominations for positions on Faculty committees are made by the Governance Committee. All members of the Faculty are expected to be available for service on Faculty committees. This responsibility is in addition to duties relating to teaching, research, departmental/program service, and other types of college service, and other professional responsibilities. At least once per semester, the Provost's Office shall provide to the Governance Committee a membership list of all appointed committees, hiring committees, and College-wide committees. [Rev. 05-7, 13-22]

5.4.2.1 In making nominations for positions on Faculty committees, the Governance Committee should give each faculty member an opportunity to express their preference for committee assignments, and the following principles should be followed to the extent possible: [71-6, Rev. 1998]

a. The four academic divisions (engineering, arts and humanities, natural sciences, social sciences) should be represented. [71-6]

b. Each of the academic ranks should be represented. Rank is established as that in effect on the first day of the academic year in which term of service on a committee begins. [71-6, 78-26]

c. Usually, no faculty member should serve on more than one elected Faculty committee. In instances where a faculty member is elected to more than one Faculty committee, the faculty member shall have the right to withdraw from all but one of the committees in consultation with the Governance Committee. [71-6, 94-4, 12-22, 13-2]

d. While serving as a full-time administrator, a member of the Faculty will be ineligible for membership on standing Faculty committees except in an *ex officio* capacity. [01-14]

e. The Governance Committee will attempt to distribute the opportunities for committee service equitably among members of the Faculty. [Added 05-8]

f. A faculty member may request temporary relief from elected service on a committee for private reasons (e.g., caretaking duties, personal health complications). The faculty member requesting temporary relief should work directly with the Provost and/or Human Resources to arrange this relief from service. The faculty member may be required to provide supporting documentation of the need for temporary relief from service to the Provost and/or Human Resources. It is solely within the discretion of the Provost and/or Human Resources as to whether or not to grant a request for a temporary relief of service. If the request is approved, the Provost and/or Human Resources will then discretely alert the Chair of Governance that the individual is to be excluded from ballots and, if necessary, excused from elected committee service for the remainder of the academic year. This service relief is not contingent on the faculty member taking formal FMLA leave from teaching or scholarship duties, or on the faculty member legally qualifying for such leave. Unless otherwise communicated to the Chair of Governance, the faculty member will be considered ready to serve again at the start of the following academic year--either by returning to complete the remainder of their term of service on an elected committee or being eligible to appear again on ballots. [Added 23-34]

5.4.2.2 Election of the members of the Promotion, Tenure, and Review Committee is conducted in two steps. In advance of the last regular Faculty meeting of the fall semester, the Governance Committee prepares and distributes ballots listing all eligible candidates for each vacancy, providing the Faculty at least four days to vote electronically. As a result of this preliminary selection, the most preferred one-third of the candidates (but no fewer than four people) are considered nominated; and final balloting among them takes place in conjunction with the first Faculty meeting of the spring semester. If there are no more than six faculty members eligible to fill a vacancy, no preliminary selection is held. All eligible faculty members are candidates in the preliminary selection. Eligible candidates are determined by rank, division, and eligibility according to 5.4.3.5. [71-6, 78-8, 94-1, Rev. 1998, 2000, 03-5, 18-8, 22-08]

5.4.2.2.1 All eligible candidates appear on all ballots for which they are eligible. If a department/program has two continuing members of the Promotion, Tenure, and Review Committee then the remaining department/program members are considered ineligible

unless such an exclusion leaves less than a third of otherwise eligible faculty, or fewer than four candidates. [Added 17-08]

5.4.2.2.2 After final balloting, the Governance Committee collects the ballots and declares winners based on the following sequencing. The Governance Committee counts the shortest ballot first, i.e. the ballot with the fewest candidates, and then proceeds to the next shortest ballot until all ballots are counted. Should there be two or more ballots of equal length, the following procedure governs: (1) ballot(s) for the longer term of service will be counted first, (2) if all terms are of equal length, the order in which those ballots are counted is determined by random selection, e.g. a coin toss. [Added 17-08; Rev. 23-10]

5.4.2.3 When a committee member is to be absent from the College for at least one semester or excused from committee service for one semester as a non-primary caregiver, this committee member will be replaced by election, if the committee is an elected one, or by appointment, if the committee is an appointed one, for the entire year. [92-18, 14-15]

5.4.2.4 Normally elections of Faculty members to committees, except the Promotion, Tenure, and Review Committee, are conducted in conjunction with the March meeting of the Faculty. Nominations are made in accordance with Section 5.3.5.3. Elections to the Promotion, Tenure, and Review Committee are conducted in accordance with Sections 5.4.2.2 and 5.4.2.3. Elections to the Appeal and Grievance Committee are conducted in accordance with Section 5.4.3.1. [71-6, Rev. 1987, 94-1 (App. 2), 2000, 03-5, 22-08]

5.4.2.5 Faculty members are placed on Faculty appointed committees by the President on recommendation of the Governance Committee. The principles set forth in Section 5.4.2.1 should be observed. Appointments are reported at a May meeting of the Faculty. [71-6, 94-1 (App. 2), Rev. 1998]

5.4.2.6 Student members of the Faculty committees are selected before May 1 in a manner prescribed by the Student Government. The names of student members are reported to the Faculty at a May meeting. [71-6, Rev. 1998]

5.4.3 Committees whose Faculty members are elected by the Faculty are described in the following sections. [94-1 (App. 2)]

5.4.3.1 The Appeal and Grievance Committee consists of five elected tenured faculty, four of whom shall represent the four academic divisions of the College and shall have served a full term on the Promotion, Tenure, and Review Committee (or its predecessor committees). The fifth member, elected from the Faculty at large, may or may not have served on the Promotion, Tenure, and Review Committee. The President shall be a non-voting *ex officio* member but shall sit with the Committee only during the reconsideration stage of appeals from negative recommendations of the Promotion, Tenure, and Review Case Committees where the President has not participated substantively in the Committee's review. If the candidate's appeal claims a violation of EEO rights, the EEO Officer for the Faculty shall join the Appeal and Grievance Committee in an advisory capacity when the Committee considers and reports on that claim. [99-31, 07-26, 13-30, 17-39, Board, May 12, 2018]

5.4.3.1.1 The responsibilities of this Committee are (1) to consider appeals of Promotion, Tenure, and Review Committee recommendations concerning reappointment, promotion, or tenure and appeals of department/program recommendations concerning tenure-track reappointment and, when the Committee judges it necessary to reconsider a candidate's case, to make a recommendation to the President; (2) to consider EEO grievances initiated by a faculty member; (3) to consider allegations of violations of professional and academic rights; (4) to form a Hearing Committee to adjudicate allegations of research fraud or misconduct, sexual harassment, or other misconduct that might warrant a

Faculty member's suspension or dismissal; (5) to staff a Review Committee to carry out the responsibilities outlined in the Conflict of Interest Policy for Lafayette College Faculty or Staff Members Undertaking Federally Funded Research (Appendix U). [94-1, 99-31, 03-24, 04-2, 04-14, 04-20, Board, May 20, 2005, 07-16]

5.4.3.1.2 Elected members must familiarize themselves with the College's policies on tenure and promotion. Members of the Committee are required to attend yearly training concerning EEO guidelines, sexual misconduct, academic freedom, etc. [96-6, 99-31, 13-26]

5.4.3.1.3 Procedures

5.4.3.1.3.1 In all cases, members of the Appeal and Grievance Committee should consider themselves to be, and serve as, disinterested parties. [93-07, 99-31]

5.4.3.1.3.2 All determinations of the Committee shall be by majority vote. [99-31]

5.4.3.1.3.3 The Appeal and Grievance Committee shall conduct its business with dispatch. [99-31]

5.4.3.1.3.4 The Appeal and Grievance Committee will resolve all procedural questions, including conflict-of-interest questions, as it sees fit. Any conflict-of-interest questions should normally be raised and decided when the Committee first takes up an appeal or grievance. While the Committee is deciding whether a conflict of interest exists for a member of the Committee, the member in question will abstain. [99-31]

5.4.3.1.3.5 The Appeal and Grievance Committee shall keep confidential minutes of its actions. [99-31]

5.4.3.1.3.6 If circumstances require the election of alternates, the Committee shall request that the Governance Committee expedite such an election. [94-01 (see also Dec. 6, 1994), 99-31]

5.4.3.1.3.7 Notwithstanding an Appeal and Grievance Committee member's stated term, once the member has begun consideration of an appeal or grievance, their term of office will extend until the issuance of the report on the appeal or grievance in question. [97-7, 99-31]

5.4.3.1.3.8 The Committee's deliberations, as well as evidence before the Committee, shall be treated as confidential by all participants. [99-31]

5.4.3.1.3.9 Administrative support for the Appeal and Grievance Committee will be provided by the Office of the Provost. [99-31]

5.4.3.1.4 Eligibility.

5.4.3.1.4.1 Any faculty member who has served a full term on the Appeal and Grievance Committee shall not be eligible for a full or replacement term on the Appeal and Grievance Committee until the third year after the completion of their service. A current member or member-elect of the Promotion, Tenure, and Review Committee shall be ineligible for election to the Appeal and Grievance Committee. A current member of the Appeal and Grievance Committee shall be ineligible for election to the Promotion, Tenure, and Review Committee. [99-31, 13-30]

5.4.3.1.4.2 An elected or ad hoc member of the Appeal and Grievance Committee shall not participate in any aspect of an appeal and shall be replaced if this person (1) is a member of the candidate's department/ program, (2) is a co-author or co-

grantee with the candidate, (3) has taken a position on the matter which the Promotion, Tenure, and Review Committee has decided and which is now being appealed, or (4) believes (or if the Committee concludes), for good reason, that a conflict of interest would exist if this person participated in considering the appeal. [99-31]

5.4.3.1.4.3 Should a member of the Appeal and Grievance Committee serve as an alternate on a Promotion, Tenure, and Review Committee whose negative recommendation is subsequently appealed, that member of the Appeal and Grievance Committee shall abstain from the consideration of the appeal and will be replaced. [99-31]

5.4.3.1.5 Replacements. Elected members of the Committee will be replaced by ad hoc alternates when necessary. [99-31]

5.4.3.1.5.1 Except as specified below, a member elected as a divisional representative will be replaced by that Faculty member who has served most recently as an elected member of the Committee from the same division. If no such person is available, the alternate will be that Faculty member who has served most recently as an elected member of the Committee from the same pair of divisions as the abstaining member (divisional pairs being defined, for purposes of this section, as 1. engineering and the natural sciences, and 2. the arts and humanities and the social sciences). [99-31]

5.4.3.1.5.2 A member elected from the Faculty at large will be replaced by that Faculty member who has served most recently as an at-large member of the Committee. If no such person is available, the runner-up from the election in which the member to be replaced was elected shall serve as the replacement member on the Committee. [99-31]

5.4.3.1.5.3 In appeals involving promotion or tenure at or to the rank of full Professor, an Associate Professor elected as a divisional representative will be replaced by that full Professor who has served most recently as a member of the Appeal and Grievance Committee elected from the same division. If no such full Professor is available, the runner-up (if a full Professor) from the election in which the member to be replaced was elected shall serve as a replacement member on the Committee; or, failing that, whatever full Professor was the runner-up in the previous election of a member from the same division. If no such person is available, the alternate will be that full Professor who has served most recently as a member of the Committee elected from the same pair of divisions. If still no such person is available, the alternate will be the full Professor who served most recently in any of the Committee's divisional positions and is not currently serving as an alternate. [99-31, 04-14, 04-15]

5.4.3.1.5.4 In appeals involving promotion or tenure at or to the rank of full Professor, an Associate Professor elected from the Faculty at large will be replaced by that full Professor who has served most recently as an at-large member of the Committee. If no such person is available, the alternate will be that full Professor who was the runner-up when the member to be replaced was elected to the Committee; or, failing that, whatever full Professor was the runner-up in the previous election of a member from the Faculty at large. If still no such person is available, the alternate will be the full Professor who served most recently in any of the Committee's divisional positions and is not currently serving as an alternate. [99-31]

5.4.3.1.5.5 To establish the replacement sequence, the Chair of the Governance Committee in consultation with the Secretary of the Promotion, Tenure, and Review

Committee will annually draw up a succession list. The list will show each elected member of the Committee in alphabetical order, and their alternates in order of eligibility. In each replacement, the Chair of the Governance Committee will appoint the most eligible alternate available. [99-31]

5.4.3.1.5.6 When two or more eligible alternates otherwise share equal eligibility (the same rank, the same division or appropriate pair of divisions, and equally recent service), relative eligibility will be determined by alphabetical order. [99-31]

5.4.3.1.5.7 When in a given case two or more members of the Committee must be replaced, the Chair of the Governance Committee will replace those members in alphabetical order. [99-31]

5.4.3.1.6 Elections.

5.4.3.1.6.1 For the four divisional representatives, the ballots will consist of the names of all eligible persons. If for a given division there are not at least two eligible persons, the Governance Committee shall invite the Faculty to nominate additional tenured members of that division without regard to prior service on the Promotion, Tenure, and Review Committee, following the Faculty's usual process for making additional nominations. [99-31]

5.4.3.1.6.2 For the at-large representative, the Governance Committee shall prepare a ballot of two names, and the Faculty shall have the usual opportunity to make additional nominations, provided only that the nominees must be tenured. [99-31]

5.4.3.1.6.3 Elections will ordinarily be conducted in three-year cycles as follows: representatives of the arts and humanities and the natural sciences will be elected the first year; representatives of engineering and the social sciences will be elected the second year; and the at-large member will be elected the third year. The cycle begins again the following year. [99-31]

5.4.3.1.6.4 If an elected member has a leave for either semester of the year immediately following their election to the Committee, that person's place shall be filled for the first year by the runner-up from the election. [99-31]

5.4.3.1.7 Annual report. The Appeal and Grievance Committee shall include in its annual report to the Faculty the number of candidates it recommended or did not recommend for tenure and promotion and the number of instances, if any, in which the President did not concur with the Committee recommendation. The President shall report to the Faculty the number of cases, if any, in which the Board of Trustees did not concur with the President's recommendation. [84-3, 85-18, Rev. 1995, 99-31]

*5.4.3.2 The Educational Policy Committee consists of nine Faculty members, at least one from each division and at least three non-tenured; and two student members. *Ex officio* members are the Associate Provost of Curriculum, the Director of the Center for the Integration of Teaching, Learning, and Scholarship (CITLS), and the Registrar. [Added 21-32, Rev. 2025, 2026]

5.4.3.2.1 This committee addresses policy related to both the curriculum as well as teaching and learning. [Added 22-21]

The responsibilities of this committee are to:

a. oversee the curriculum, including the Common Course of Study, and make recommendations to the Faculty concerning changes and additions to the curriculum and following the process described in 5.4.3.2.2; [Added 21-32]

b. recommend and monitor graduation requirements; [Added 21-32; Rev. 22-21]

c. recommend contact hours of instruction and advise on matters of course and hours scheduling; [Added 21-32]

d. facilitate the debate and discussion of issues concerning the evaluation of teaching and investigate ways to improve the process, and oversee and periodically review teaching evaluation procedures using student evaluations; [Added 22-21]

e. facilitate efforts to incorporate issues of diversity and inclusiveness into the curriculum and pedagogical activities; [Added 22-21]

f. report its actions at the next regular meeting of the Faculty. In such reports, Committee proposals to add, delete, or modify courses or modify the requirement of existing degree programs, majors, or minors shall be considered approved unless specific contrary action is taken at the Faculty meeting at which the report is presented. [Added 21-32]

*5.4.3.2.2 The Committee will form a subcommittee to review proposals to alter the existing curriculum and to add or modify academic departments and programs. The subcommittee will normally include the Registrar, the Associate Provost of Curriculum (or their representative), and others appointed by the Chair as needed. The Chair shall invite the Dean of Engineering and Director of ABET Accreditation to the subcommittee meetings to advise on all curricular issues that may impact ABET accreditation of engineering programs. The duties of the subcommittee are to**:** [Added 21-32; Rev. 22-21, 2026]

a. review all proposals for new and revised courses and associated Common Course of Study attributes (including summer, interim, and evening programs) and submit its recommendations to the full Committee; [Added 21-32; Rev. 22-21]

b. review and recommend to the full Committee changes in course offerings proposed by departments and programs, including deletions, additions, and changes in content and credit; [Added 21-32]

c. review and recommend to the full Committee proposed changes in departmental and program requirements for the major and minor programs; [Added 21-32]

*5.4.3.3 The Enrollment Planning Committee consists of four Faculty members, one from each division, and at least two members with tenure. *Ex officio* members are the Vice President for Enrollment Management, the Dean of Admissions, the Director of Financial Aid, the Director of Enrollment Analytics, and the Associate Provost of Advising and Student Success. [Added 25-34]

*5.4.3.3.1 The responsibilities of this Committee are to:

a. *Review, evaluate, and make policy recommendations to the Faculty and the Division of Enrollment Management on admission of students to the College and of the financial aid program, and monitor implementation of policy; [25-34]

b. *As needed, report matters of importance related to the enrollment planning, including but not limited to matters with budgetary impact, to the Strategy, Policy, and Operations Committee. [25-34]

c. *As needed, but no less than twice annually, report matters of importance related to enrollment planning, the financial aid program, or admissions policy to the Faculty. [25-34]

d. *Ensure that no application with an Admissions academic rating in the range. [25-34]

e. *Report annually to the Faculty the profile of admitted and enrolled students, including the number of students in each special admissions category and the distribution of Admissions academic ratings for these students. [25-34]

5.4.3.4 The Governance Committee consists of six elected faculty, at least one from each division, and the Clerk of the Faculty. The Provost serves *ex officio***.** [70-3; Rev. 1986, 94-1, 2014; Rev. 21-30]

5.4.3.4.1 The responsibilities of this Committee are to:

a. nominate persons for faculty positions on all elected Faculty committees and the College Budget Planning Committee and conduct elections as described in Section 5.4.2; [94-1, Rev. 21-30]

b. document the rules for organization, procedure, and responsibilities of the Faculty; standardize the form and phrasing of such rules; and review the Faculty Handbook prior to its annual issuance; propose the addition or elimination of elected Faculty committees; [94-1, Rev. 13-22]

c. review critically the governance structure periodically to identify possible areas of concern and recommend changes; [94-1, Rev. 21-30]

d. adjudicate questions of committee purview and jurisdiction; [Rev. per 21-30]

e. consider request to resign from Faculty committees; [Rev. 21-30]

f. facilitate the formation of advisory or ad hoc committees and Faculty participation in student conduct hearings. [Rev. 21-30]

5.4.3.4.2 Faculty actions involving changes in Faculty rules are referred to the Governance Committee for standardization as to form and phrasing. The final form is reported to the Faculty at the next Faculty meeting.

*5.4.3.5 The Promotion, Tenure, and Review Committee consists of six elected members of the Faculty of the rank of Professor and four Associate Professors elected in accordance with Sections 5.4.2.2 and 5.4.2.3. The Provost serves as Secretary and is the *ex officio* voting member of the Committee. The proportion of faculty membership is as follows. There will be one Professor from engineering; one from the arts and humanities (art, English, languages and literary studies, music, philosophy, religious studies); one from the natural sciences (biology, chemistry, computer science, geology and environmental geosciences, mathematical sciences, physics, psychology); one from the social sciences (anthropology and sociology, economics, government and law, history); one from the arts and humanities or social sciences; and one from engineering or the natural sciences. There will be one Associate Professor from engineering; one from the arts and humanities; one from the natural sciences; and one from the social sciences. (Faculty members whose appointment is not

within a single department are assigned an academic division in their Memorandum of Understanding with the Provost.) Any member of the Faculty who is serving as the Dean of Engineering and the Director of ABET Accreditation or is on half-time assignment or more as an officer of the Administration is ineligible to serve on the Committee. Only tenured members of the Faculty are eligible for nomination to this Committee. Normally, no more than two members of a single department or program can serve simultaneously. Elected members of the Committee may inform the Governance Committee that they wish to be relieved of duty on other Faculty committees. If an individual serving on another elected Faculty committee is elected to a two- or three-year term on PTR and asks to be relieved of duty, that individual's term on the other elected committee will be ended. The Governance Committee will arrange for replacements. [Rev. 1958, 72-6, 74-4, 76-10, 81-11, 84-23, 85-31.12, 90-38, 94-1, 95-30, 99-31, 02-17, 2008, 17-02, Board, Oct. 21, 2017, 18-6, 21-26, 23-12, 25-20, Board May 22, 2026]

5.4.3.5.1 The responsibilities of this Committee are to: (1) advise the President on (a) all promotions, (b) the granting of continuous tenure, (c) all appointments of individuals to the rank of Professor or Associate Professor where tenure is granted or where the customary probationary period is shortened by more than two years, (d) all dismissals, and (e) Department Head/Program Chair appointments; (2) advise the Provost on (a) all midterm reviews, (b) four- and seven-year reviews (when requested by the Provost or the faculty member), and (c) leave requests; (3) form a Hearing Review committee to review adjudication of alleged research fraud or misconduct, sexual harassment, or other misconduct that might warrant a Faculty member's suspension or dismissal. [80-11, 94-1, 01-38, 03-24, 04-02, 04-20; Board, May 20, 2005]

5.4.3.5.2 Case Committees and Subcommittees. Membership on case and subcommittees will be determined by the Promotion, Tenure, and Review Committee. The responsibility for each midterm, tenure, and promotion case will be delegated to a case committee, drawn from the members of the Promotion, Tenure, and Review Committee, as described below. Upon request, the Provost will provide the candidate with the names of the members of the candidate's case committee. Subcommittees will also be chosen to advise on Department Head/Program Chair appointments and leave requests. All other matters should be considered by the entire committee. [Added 17-03, Board, Oct. 21, 2017, Rev. 17-14; 24-13, Board Mar. 1, 2025]

5.4.3.5.2.1 Use of Replacements. Normally replacement members (see 5.4.3.5.3) should be used only when they are forced by recusals by elected members of the Committee, that is, when it is impossible to staff a case committee with the available elected members of the Committee. [Added 17-03, Board, Oct. 21, 2017]

5.4.3.5.2.2 Midterms. Case committees for midterm reviews consist of two professors, two associate professors, and the Provost. All divisions must be represented. [Added 17-03, Board, Oct. 21, 2017, 24-18, Board May 23, 2025]

5.4.3.5.2.3 Tenure and Promotion to Associate Professor, and Tenure for Faculty Members at the Rank of Associate Professor. Case committees for tenure and promotion to the rank of associate professor, or tenure for those who hold the rank of associate professor, will consist of four professors, two associate professors, and the Provost. All divisions must be represented, with three faculty members from each paired division. [Added 17-03, Board, Oct. 21, 2017]

5.4.3.5.2.4 Promotion to Professor, and Tenure for Faculty Members at the Rank of Professor. Case committees for promotion to professor, or tenure for those who hold the rank of professor, will consist of four professors, one from each academic division, and the Provost. [Added 17-03, Board, Oct. 21, 2017]

5.4.3.5.2.5 Department Head appointments. A subcommittee consisting of four elected members of the Committee, representing each academic division, will advise the Provost on Department Head appointments. [Added 17-03, Board, Oct. 21, 2017]

5.4.3.5.2.6 Leave Requests. A subcommittee consisting of four elected members of the Committee, representing each academic division, will advise the Provost on leave requests. [Added 17-03, Board, Oct. 21, 2017]

5.4.3.5.2.7 Balanced Workload. Working within the rules described above, the determination of case committees and subcommittees should prioritize an equitable workload for the membership of the Committee, including the Chair, while having at least some members with prior PTR experience on case committees and subcommittees. [Added 17-03, Board, Oct. 21, 2017, 19-30]

5.4.3.5.3 Replacements. An elected member will not be present for or participate in the Committee's review and vote if that member belongs to the same department/program as the person under review or if the member is a spouse, domestic partner, child, parent, or sibling of a person who has participated as a Department Head/Program Chair or department/program member in the evaluation of the person under consideration. In addition, members of the Committee are expected to recuse themselves when they believe there is a conflict of interest. Under certain circumstances, these recused elected members of the Committee will need to be replaced by ad hoc alternates. If the Chair of the Committee is not recused from a sufficient number of cases such that the Chair's caseload is similar to that of other Committee members, the Chair may be recused from additional midterm or promotion reviews. These additional recusals are to be determined by a random selection process and can only be taken when they will not create the need for replacement members. [97-18, 02-22, 17-03 and 17-04, Board, Oct. 21, 2017, 19-30]

5.4.3.5.3.1 In midterm reviews, tenure reviews, promotion reviews, and termination of appointment recommendations, members of the Committee who do not participate may need to be replaced by ad hoc alternates in order to form case committees with the appropriate membership. In other instances of non-participation, replacements will not normally be made. [Rev. 02-22, 17-04, Board, Oct. 21, 2017]

5.4.3.5.3.2 Except as specified in 5.4.3.5.3.3, an abstaining Professor will be replaced by that Professor or, if no Professor is available, Associate Professor who has served most recently as an elected member of the Committee from the necessary academic division, or necessary paired divisions, as required by the guidelines for case committees (5.4.3.5.2). If no Professor or Associate Professor is available from a necessary academic division, the alternate will be that faculty member of either rank who has served most recently as an elected member of the Committee from the same pair of divisions as the abstaining member. [84-27, 94-1, 17-04, Board, Oct. 21, 2017]

An abstaining Associate Professor will be replaced by that Associate Professor who has served most recently as an elected member of the Committee from the necessary academic division, or necessary paired divisions, as required by the guidelines for case committees (5.4.3.5.2). If no Associate Professor is available, the alternate will be that Professor who has served most recently as an elected member of the Committee from the necessary academic division, or necessary paired divisions. [84-27, 85-31.13, Rev. 1987, 94-1, 95-10, 17-04, Board, Oct. 21, 2017]

5.4.3.5.3.3 In cases involving appointment, promotion, or tenure at or to the rank of Professor or consideration for a chair or named professorship, the alternate member will be the Professor who has served most recently as an elected member of the Committee, and who comes from the needed academic division. If no Professor from

the appropriate division is available, the alternate will come from the same paired division, and then, if necessary, from either of the two remaining divisions. [85-31.13, Rev. 1987, 95-10, 17-04, Board, Oct. 21, 2017]

5.4.3.5.4 To establish the replacement sequence, the secretary of the Committee will annually draw up a succession list. The list will show each elected member of the Committee in alphabetical order, and their alternates in order of eligibility. In each replacement, the secretary will appoint the most eligible alternate available.

5.4.3.5.4.1 When two or more eligible alternates otherwise share equal eligibility (the same rank, the same division or appropriate pair of divisions, and equally recent service), relative eligibility will be determined by a random coin toss that is observed by the secretary and the chair of the Promotion, Tenure, and Review Committee. [Rev. 17-04, Board, Oct. 21, 2017]

5.4.3.5.4.2 When in a given case two or more members of the Committee must be replaced, the secretary will replace those members in alphabetical order.

5.4.3.5.5 A faculty member who has served a full term on the Promotion, Tenure, and Review Committee shall not be eligible for election for a full or replacement term on the Promotion, Tenure, and Review Committee until the fifth year after the completion of their service on the Promotion, Tenure, and Review Committee. Any person currently serving on the Appeal and Grievance Committee shall not be eligible for a full or replacement term on the Promotion, Tenure, and Review Committee. A faculty member who has completed a total of at least eight years of service at the completion of a term on the Promotion, Tenure, and Review Committee may request exemption from any further service on this Committee. [86-23, 94-52, 99-31, 13-30]

5.4.3.5.6 If an elected member has a leave for either semester of the year immediately following their election to the Committee, that person's place shall be filled for the first year by the runner-up from the election. [79-4, 94-1 (App. 2), 94-37]

5.4.3.5.7 If an Associate Professor elected to the Promotion, Tenure, and Review Committee is promoted to Professor prior to the beginning of service on the Committee, the now promoted Associate Professor who won the election shall be replaced by the runner-up in the election. If an Associate Professor is promoted to Professor during their term of service on the Promotion, Tenure, and Review Committee, they are excused from the remainder of their term, beginning with the academic year in which the promotion to rank of Professor goes into effect. The Governance Committee shall hold an election for a full-term replacement. [94-38, 96-11, 96, 19, 04-29, Rev. 21-18, Board, February 26, 2022].

5.4.3.5.8 The Promotion, Tenure, and Review Committee shall include in its annual report to the Faculty the number of candidates it recommended or did not recommend for tenure and promotion and the number of cases, if any, in which the President met with the Committee to discuss a candidate, or did not concur with the Committee recommendation or in which the President has deferred making a decision. The President shall report to the Faculty the number of cases, if any, in which the Board of Trustees did not concur with the President's recommendation. [84-3, 85-18, Rev. 1995, 16-40]

5.4.3.5.9 The *ex officio* membership of the Promotion, Tenure, and Review Committee is limited to the Provost. [Rev. 1985, 99-31]

*5.4.3.6 The Research Support Committee shall consist of five elected Faculty members, including at least one non-tenured member and at least one member from each division. The Associate Provost of Scholarship, Research, and Academic Initiatives is an *ex officio* member. [Added 24-16, 2026]

5.4.3.6.1 The responsibilities of this Committee are to:

a. recommend to the Provost allocation of available funds for research, internal grants, travel to research conferences or professional meetings, and EXCEL scholar funding;

b. consult with the Office of Sponsored Research and the Office of the Provost on efforts to secure faculty research support from government, foundation, and programmatic corporate sources;

c. collaborate with the Office of the Provost to advise the Communications Division on scholarship-related college wide communication needs.

*5.4.3.7 The Strategy, Policy, and Operations Committee consists of twelve faculty: two from each division (one tenured, one pretenure), and four at-large members. *Ex officio* members include the President, the Provost, the Dean of the Faculty, and the Clerk of the Faculty. [Added 25-31]

*5.4.3.7.1 The responsibilities of this committee are to:

a. *Where appropriate, work with and render its advice to the President and the Provost on all significant matters of concern to the Faculty that affect the life of the College. Such significant matters include, but are not limited to:
   - long-term and strategic academic planning
   - resource allocations, including annual budget review and College staffing
   - college operations and buildings and grounds considerations, i.e., physical plant, spaces and expansion considerations [Added 25-31]
b. *Advocate for Faculty interests and for Faculty interests and for Faculty influence in College policies [Added 25-31]
c. *Where appropriate, work with the President and Provost to develop academic policy initiatives at the College [Added 25-31]
d. *Accept other responsibilities as needed, e.g., special task force assignments from the President and/or Provost. [Added 25-31]

*5.4.3.7.2 The specific duties of this committee, in support of the broad responsibilities outlined above, are to:

a. Advocate for Faculty interests and for Faculty influence in College policies. [Added 25-31]
b. Work with, and render its advice to, the President and Provost on all significant matters of concern to the Faculty that affect the academic life of the College in a capacity reflecting shared ownership of these matters. [Added 25-31]
c. Periodically engage with and advise the President and Provost regarding long-term and strategic academic planning. [Added 25-31]
d. Regularly engage with and advise the President regarding the establishment of the College's financial priorities, both short-term and long-term and ensure their alignment with strategic planning and priorities. [Added 25-31]
e. Periodically engage with and advise the President regarding tuition, financial aid, and room and board rates. [Added 25-31]
f. Periodically engage with and advise the President regarding resource allocations, including annual budget review. [Added 25-31]

g. Regularly engage with and advise the President on buildings and grounds considerations, i.e., physical plant, space, and expansion considerations. [Added 25-31]
h. Periodically engage with and advise the President regarding the development of the College budget processes, particularly relating to financial planning and coordination across the divisions of the College. [Added 25-31]
i. Regularly engage with and advise the President regarding allocations of funding for capital projects related to the academic program, and periodically receive updates from the President regarding the securing of funding for capital projects. [Added 25-31]
j. Regularly engage with and advise the President regarding allocations of funding for new strategic initiatives, and periodically receive updates from the President regarding the securing of funding for new strategic initiatives so that they may be communicated to the faculty. [Added 25-31]
k. Meet at least once per year with the Enrollment Planning Committee to discuss intersection of budget considerations with enrollment planning considerations. [Added 25-31]
l. Meet at least once per year with the Staffing and Compensation Committee to discuss intersection of staffing and compensation considerations with budget and strategic considerations. [Added 25-31]
m. Receive notice of matters of grave social or moral concern from faculty members and bring such issues to the Faculty, pursuant to the Process for Considering the College's Response to Matters of Grave Social or Moral Concern Raised by Members of the Lafayette College Community (Appendix T). [Added 25-31]

5.4.3.8 The Staffing and Compensation Committee shall consist of six elected Faculty members including at least one untenured member and at least one member, but no more than two members, from each division. *Ex officio* members are the Provost and the Dean of the Faculty. [Added 24-16]

5.4.3.8.1 The responsibilities of this Committee are to:

a. make academic staffing recommendations to the Provost;

b. advocate for and make recommendations concerning Faculty compensation and benefits;

c. issue an annual report that profiles Faculty compensation and equity in Faculty compensation compared to peer institutions, including data on the economic status of librarians with Faculty status.

5.4.3.9 The Student Affairs Committee consists of eight Faculty members, with representation from each paired academic division (engineering/natural sciences and arts and humanities/social sciences) and at least three non-tenured; and six student members. *Ex officio* members include (given the business at hand) the Dean of Advising and Co-Curricular Programs, the Associate Provost of Advising and Student Success, the Registrar, the Dean of Students, the Director of Athletics, and the NCAA Faculty Athletics Representative. [Added 21-32; 21-33; Rev. 22-25, Rev. 25-03; 25-38]

5.4.3.8.1 The responsibilities of this Committee are to:

a. provide annually to the Faculty a report on the academic impact of the athletics scholarship program (including academic success and allocated share of financial aid), and the profile of admitted and enrolled students, including the number of students in each special admissions category and distribution of admissions academic ratings for these students; [Added 21-32; Rev. 22-25]

b. oversee regulations for departmental/program honors and academic awards; [Added 21-32]

c. consider matters concerning the scholastic standing of students, including recommendations for graduation and honors; [Added 21-32]

d. receive reports from the Registrar on the results of petitions from students for exceptions to the rules; [Added 21-32]

e. consider appeals or requests for consideration of action taken by the Dean(s) or the registrar; [Added 21-32]

f. make recommendations to the Faculty concerning academic advising policy and practice; [Added 22-25]

g. adjudicate cases of alleged academic dishonesty in accordance with the Statement on the Rights and Responsibilities of Students of Lafayette College and the Student Code of Conduct (Student Handbook); [Added 21-32]

h. coordinate with the Division of Student Life, the Athletics Department, and Student Government, to provide faculty perspective, feedback, and actions, as appropriate, on policies related to campus life, including resident life, dining facilities, social living groups, athletics, and recreation activities; [Added 21-32; Rev. 22-25]

5.4.3.9.2 Student members may vote on all matters before the committee with the exception of those that address the relationship of an individual student to the College such as decisions regarding questions of probationary status, required withdrawal, readmission, etc. Student members shall not be present during discussions pertaining to such matters**.** [Added 21-32; Rev. 25-03]

5.5 Administrative Committees Appointed by the Provost

5.5.1 The Africana Studies Advisory Committee consists of five faculty and the Chair of the Africana Studies Program who serves as Chair of the Committee. [Added 1999, Rev. 2010]

5.5.1.1 The responsibilities of this Committee are to advise the Chair of the Africana Studies Program on courses that make up the program, on requirements for majors, and on other issues relating to the administration of the program.

5.5.2 The Architectural Studies Advisory Committee consists of four faculty and the Chair of the Architectural Studies Program who serves as Chair of the Committee. [Added 2005, Rev. 2010]

5.5.2.1 The responsibilities of this Committee are to advise the Chair of the Architectural Studies Program on courses that make up the program, on requirements for minors, and on other issues relating to the administration of the program. [Added 2005]

5.5.3 [On Hiatus] The Archives Advisory Committee consists of the Provost, who serves as chair of the Committee; the College Archivist; the (co)Director of Special Collections and College Archives; the Secretary of the Board of Trustees; the Executive Vice President for Finance and Administration; the Dean of Libraries; a member of the History Department; and the President, *ex officio*. [94-2, Rev. 1995, 06-5, 2010, 2023]

5.5.3.1 The responsibilities of this Committee are to advise the President and the Board of Trustees on College records disposal and retention policy, approve schedules of transfer of records from operating offices and departments/programs to the Archives, and establish policy guiding the protection of the confidentiality of records, particularly personnel records. [94-2, Rev. 1995]

5.5.4 The Arts Advisory Committee consists of at least seven appointed members, including one person each from Art, English, Theater, Film and Media Studies, and Music. Additional membership will be made up of persons outside of these departments and programs. The Director of the Arts will serve as Chair of the Committee. [Added 2014]

5.5.4.1 This Committee will provide leadership and guidance for achieving the goals of integrating the arts across the curriculum. [Added 2014]

5.5.5 The Asian Studies Advisory Committee consists of five faculty and the Chair of the Asian Studies Program who serves as Chair of the Committee. [Added 2005, Rev. 2010]

5.5.5.1 The responsibilities of this Committee are to advise the Chair of the Asian Studies Program on courses that make up the program, on requirements for majors and minors, and on other issues relating to the administration of the program. [Added 2005, Rev. 2010]

5.5.6 The Biotechnology/Bioengineering Advisory Committee consists of four faculty, including two from natural science and two from engineering, and the Chair of the Biotechnology/Bioengineering Program who serves as Chair of the Committee. [Added 2005: Rev. 2008, 2010]

5.5.6.1 The responsibilities of this Committee are to advise the Chair of the Biotechnology/Bioengineering Studies Program on courses that make up the program, on requirements for minors, and on other issues relating to the administration of the program. [Added 2005; Rev. 2008]

5.5.7 The CITLS Advisory Committee consists of four faculty members, preferably with representation across divisions, the Director for the Center for the Integration of Teaching, Learning and Scholarship (CITLS), normally two administrators whose roles at the College directly relate to teaching or student learning, and a student representative. [Added 2020, Rev, 2025]

5.5.7.1 The responsibility of this Committee is to advise the Director of CITLS who serves as the Chair of the Committee on current and future center initiatives. [Added 2020, Rev, 2025]

5.5.8 The Classical Civilization Studies Advisory Committee consists of three faculty and the Chair of the Classical Civilization Studies Program who serves as Chair of the Committee. [Added 2012]

5.5.8.1 The responsibilities of this Committee are to advise the Chair of the Classical Civilization Studies Program on courses that make up the program, on requirements for minors, and on other issues relating to the administration of the program. [Added 2012]

5.5.9 The College Writing Advisory Committee consists of four faculty who have taught in courses affiliated with the Program and the Director of the College Writing Program who serves as Chair

of the Committee. The Chair may invite other faculty in the College Writing Program to participate in meetings of the Committee. [Added 2005, Rev. 2010]

5.5.9.1 The responsibility of this Committee is to assist and advise the Director of the College Writing Program, particularly in matters concerning the affiliation of the Program with First-Year Seminars and courses with a "W" designation. [Added 2005, 2013]

5.5.10 The Common Course of Study (CCS) Assessment Committee consists of at least ten faculty (each CCS attribute represented by at least one faculty member) and the Associate Provost of Curriculum. [Added 2017, Rev. 2019]

5.5.10.1 The responsibilities of this Committee are to oversee and coordinate the assessment of the Common Course of Study, recommend changes to CCS assessment, assess the CCS assessment process periodically, and communicate with the Educational Policy Committee. [Added 2017, 23-35]

5.5.11 The Data Science Advisory Committee consists of three faculty members, drawn from the range of programs and departments connected to the field of data science, and the Chair of the Data Science Program who serves as Chair of the Committee**.** [Added 2023]

5.5.11.1 The responsibilities of this Committee are to advise the Chair of the Data Science Program on courses that make up the program and other matters related to curriculum and pedagogy, co-curricular programming, and policies of the minor. [Added 2023]

*5.5.12 The Diversity, Equity, Belonging, and Justice Advisory Committee consists of faculty, staff, the Director of Institutional Equity and Title IX Coordinator, and the Dean of Faculty who serves as Chair of the Committee. [Added 2026]

*5.5.12.1 The responsibilities of this Committee are to provide the Provost and academic division with evidence-based guidance, strategic advice, and recommendations to ensure the academic division fosters an environment of inclusive excellence in alignment with the College's mission and values. [Added 2026]

5.5.13 The Engineering/International Studies Joint Degree Advisory Committee consists of three faculty, including one from engineering, one with strong connection to the International Affairs program and one from a non-engineering discipline; the Director of the Engineering Division, *ex officio*; and the Chair of the B.S. in Engineering/A.B. in International Studies Program who serves as Chair of the Committee. [Rev. 1995, 2008, 2010, 2022]

5.5.13.1 The responsibilities of this Committee are to advise the Chair of the B.S. in Engineering/A.B. in International Studies Program on courses that make up the program, on requirements for majors, and on other issues relating to the administration of the program. [Rev. 1995]

5.5.14 The Engineering Studies Advisory Committee consists of four faculty, including two from the arts and humanities/social sciences divisions and two from the engineering/natural sciences divisions; the Director of the Engineering Division, *ex officio*; and the Chair of the Engineering Studies Program who serves as Chair of the Committee. [94-2, Rev. 1995, 07-11, 2010]

5.5.14.1 The responsibilities of this Committee are to advise the Chair of the Engineering Studies Program on courses that make up the program and on the distribution of time and the concentration of study in various areas. [94-2, Rev. 1995, 07-11]

5.5.15 The Programs in Environmental Science and Environmental Studies Advisory Committee consists of four faculty and the Chair of the Programs in Environmental Science and Environmental Studies who serves as Chair of the Committee. [Added 2005, Rev. 2010, 11-23, 11-24]

5.5.15.1 The responsibilities of this Committee are to advise the Chair of the Programs in Environmental Science and Environmental Studies on courses that make up the program, on requirements for majors and minors, and on other issues relating to the administration of the program. [Added 2005, Rev. 11-23, 11-24]

5.5.16 The Film and Media Studies Advisory Committee consists of five faculty and the Chair of the Film and Media Studies Program who serves as Chair of the Committee. [Added 2008, Rev. 2010]

5.5.16.1 The responsibilities of this Committee are to provide advice on courses that make up the program, on requirements for majors and minors, and on other issues relating to the administration of the program. [Added 2008, Rev. 2010]

5.5.17 The Hanson Center Advisory Committee consists of at least five faculty members and administrators, representing a range of academic and co-curricular programs, and the Director of the Hanson Center for Inclusive STEM Education who serves as Chair of the Committee.

5.5.17.1 The responsibilities of this Committee are to provide advice to the Director on programming and other efforts that support faculty and students with historically-excluded identities in STEM, inclusive STEM pedagogies and curricula, inclusive STEM studies, and other issues related to the administration of the Center.

5.5.18 The Health Professions Advisory Committee consists of six faculty, including three from the natural sciences division and one from each of the other divisions, and the Dean of Advising and Co-Curricular Programs and/or an Associate Dean, *ex officio*. [94-2, Rev. 1995, 1997, 2004, 2005, 2006, 06-33, 2014]

5.5.18.1 The responsibilities of this Committee are to: (1) provide guidance for students who are considering a career in the health services; (2) evaluate such students and, upon request, send an evaluation statement and transcript to the professional schools to which the student has applied for admission; and (3) advise and assist the Chair of the Health Professions Advisory Committee. [94-2, Rev. 1995, 2004]

5.5.19 The Institutional Animal Care and Use Committee (see Appendix O) consists of at least five members: a Doctor of Veterinary Medicine; two faculty who are scientists experienced in research involving animals; one faculty member who is not a scientist; one member who is not affiliated with the institution and does not work with laboratory animals; and the Director of Sponsored Research, *ex officio*. [Added 1990, 94-2, Rev. 1995, 2001, 08-43, 2014, 2019]

5.5.19.1 The responsibilities of this Committee are to: (1) review proposed research and instructional projects using animals; (2) make recommendations regarding the College's animal program, facilities, or personnel training to the Director of Sponsored Research; (3) inspect the College's animal facilities at least once every six months; (4) review the institution's program for animal care and use, using the *Guide for Care and Use of Laboratory Animals* as a basis for evaluation. [94-2, Rev. 1995, 08-43, 2014, 2019]

5.5.19.2 Reports of evaluations of this Committee are submitted to the Director of Sponsored Research. [94-2, Rev. 1995, 2001, 08-43, 2014, 2019, 2025]

5.5.20 The Institutional Review Board (IRB) consists of four faculty members, one community delegate, and one staff member, each appointed by the Provost for a fixed term, which can be renewed. The Director of Sponsored Research serves as an *ex officio* member. The IRB is to be gender diverse and include at least one non-scientist. [Added 1990, 94-2, 93-32, 01-3, 08-43, 2014, 17-40, Board, May 12, 2018, 2019]

5.5.20.1 In accordance with the Federal-wide Assurance agreement between the College and the U.S. Office for Human Research Protections, the Lafayette College IRB is responsible for ensuring that research conducted by Lafayette faculty, staff, students, and guests of the College is in compliance with Title 45, Part 46 of the Code of Federal Regulations (CFR) and relevant disciplinary standards for research involving human participants. The CFR defines research as "A systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." Thus, any study that meets this definition of research and involves human subjects requires IRB review. [Added 17-40, Board, May 12, 2018]

The responsibilities of this Committee are to review proposed and continuing research projects involving human subjects in conformance with Title 45, Part 46 of the Code of Federal Regulations. Decisions regarding research projects are conveyed in writing to the Director of Sponsored Research. [94-2, 93-32, Rev. 2002, 08-43, 2014, 17-40, Board, May 12, 2018, 2019]

Faculty, staff, students, and guests of the College seeking to conduct research involving human subjects should consult the IRB web pages via Lafayette College's IRB website at irb.lafayette.edu for current information and procedures and must comply with IRB procedures. No publicity, recruitment, or data collection is permitted before IRB approval is secured. [Added 17-40, Board, May 12, 2018]

5.5.20.2 The Committee makes recommendations to the Director of Sponsored Research regarding any aspect of the College's policies with respect to protection of human subjects. [94-2, 93-32, Rev. 2002, 08-43, 2014, 2019]

5.5.21 The Integrative Engineering Advisory Committee consists of six faculty, including at least one from outside the Engineering Division, and the Chair of the Bachelor of Science in Integrative Engineering Program who serves as Chair of the Committee. [Added 2019; Rev. 20-3; 2023]

5.5.21.1 The responsibilities of this Committee are to advise the Chair of the Bachelor of Science in Integrative Engineering Program on courses that make up the program, on requirements for and structure of the major, on accreditation, and on other issues relating to the administration of the program. [Added 2019; Rev. 20-32; 2023]

5.5.22 The International Affairs Program Advisory Committee consists of faculty members with interdisciplinary program appointments or joint appointments in International Affairs, at least five faculty representing the departmental and divisional partners of the program, and the Chair of the International Affairs Program who serves as Chair of the Committee. [94-2, Rev. 1995, 2010, 2015]

5.5.22.1 The responsibilities of this Committee are to advise the International Affairs Program on courses that make up the program and on the distribution of time and the concentration of work in the various areas. [94-2, Rev. 1995, 2015]

5.5.23 The Italian Studies Advisory Committee consists of three faculty and the Chair of the Italian Studies Program who serves as Chair of the Committee. [Added 2012]

5.5.23.1 The responsibilities of this Committee are to advise the Chair of the Italian Studies Program on courses that make up the program, on requirements for minors, and on other issues relating to the administration of the program. [Added 2012]

5.5.24 The Jewish Studies Advisory Committee consists of four faculty and the Chair of the Jewish Studies Program who serves as Chair of the Committee. [Added 2005, Rev. 2010]

5.5.24.1 The responsibilities of this Committee are to advise the Chair of the Jewish Studies Program on courses that make up the program, on requirements for minors, and on other issues relating to the administration of the program. [Added 2005]

5.5.25 The Landis Center for Community Engagement Advisory Committee consists of five faculty members, no more than two coming from any particular academic division, and the Executive Director of the Landis Center for Community Engagement, who serves as Chair of the Committee. One representative of the Provost's Office serves as *ex-officio*. Landis Center Faculty Director also serves as *ex-officio*. [Added 2007, Rev. 2014, 2019, 2024]

5.5.25.1 The responsibility of this Committee is to advise the Landis Center and the Provost on matters concerning community-engaged learning and research activities. Faculty commit to a term of three years. [Added 2007, Rev. 2019, 2024]

*5.5.26 [on hiatus] The Landis Lecture Joint Advisory Committee consists of the Dean of Engineering and Director of ABET Accreditation and the chairs of the International Affairs Program, the Policy Studies Program, and the Engineering/International Studies Program. [Added 2014]

5.5.26.1 This Committee will solicit recommendations from the College community, including Engineering Council and the advisory committees represented in the committee membership, for the Landis lecturer in accord with the Deed of Gift. [Added 2014]

5.5.27 The Latin American and Caribbean Studies Advisory Committee consists of four faculty and the Chair of the Latin American and Caribbean Studies Program who serves as Chair of the Committee. [Added 2005, Rev. 2010]

5.5.27.1 The responsibilities of this Committee are to advise the Chair of the Latin American and Caribbean Studies Program on courses that make up the program, on requirements for minors, and on other issues relating to the administration of the program. [Added 2005]

5.5.28 The Medieval, Renaissance, and Early Modern Studies Advisory Committee consists of four faculty, with no more than two members from a single department/program, and the Chair of the Medieval, Renaissance, and Early Modern Studies Program who serves as Chair of the Committee. [Rev. 2010]

5.5.28.1 The responsibilities of this Committee are to advise the Chair of the Medieval, Renaissance, and Early Modern Studies Program on courses that make up the program, on requirements for minors, and on other issues relating to the administration of the program. [Added 2010]

5.5.29 The Neuroscience Advisory Committee consists of faculty members who contribute to the core curriculum within the Neuroscience major, and those with interdisciplinary program appointments, including Affiliated and Courtesy appointments in Neuroscience. The Chair of the Neuroscience Program will chair the committee, and normally there will be at least four additional members of the faculty, with at least one representative from each departmental partner. [Added 1999, Rev. 2006, 2007, 2010, 2018]

5.5.29.1 The responsibilities of this Committee are to advise the Chair of the Neuroscience Program on courses that make up the program, on requirements for majors, and on other issues relating to the administration of the program. [Rev. 2007]

5.5.30 The Off-Campus Study Committee consists of four faculty, one from each division; one student; one member of the Educational Policy Committee, *ex officio* (to be designated by the Educational Policy Committee); the Chair of the International Affairs Program, *ex officio*; the Director of International and Off-Campus Education, *ex officio*; and the Associate Provost of Curriculum, *ex officio*. [94-2, Rev. 1995, 1998, 1999, 06-33, 2014, 2019, 2024]

5.5.30.1 The responsibilities of this Committee are to advise the Provost and the Associate Provost of Curriculum on matters concerning off-campus study, including all study abroad

programs, Lafayette affiliations with domestic and foreign institutions, and the development of Lafayette's own study abroad program. [94-2, Rev. 1995, 06-33, 2014, 2019]

5.5.31 The Policy Studies Advisory Committee consists of five faculty and the Chair of the Policy Studies Program who serves as Chair of the Committee. [Added 2006, Rev. 2010]

5.5.31.1 The responsibilities of this Committee are to advise the Chair of the Program on courses that make up the program, on requirements for majors, and on other issues relating to the administration of the program. *[Added 2006]*

5.5.32 The Russian and East European Studies Advisory Committee consists of five faculty and the Chair of the Russian and East European Studies Program who serves as Chair of the Committee. [Added 2008, Rev. 2010]

5.5.32.1 The responsibilities of this Committee are to advise the Chair of the Russian and East European Studies Program on courses that make up the program, on requirements for majors, and on other issues relating to the administration of the program. [Added 2008]

5.5.33 [on hiatus] The Scholarships/Fellowships Advisory Committee consists of at least five faculty and the Associate Dean of Advising and Co-Curricular Programs, *ex officio*. [Added 2014]

5.5.33.1 Committee members will actively partake in the recruitment, review, and selection of applications for those scholarships and fellowships that require the College's nomination or endorsement as a condition of application. [Added 2014, Rev. 2020]

*5.5.34 The Technology and Space Planning Committee consists of faculty, academic and ITS staff, the Chief Information Officer, and the Provost who serves as chair of the Committee. [Added 2026]

5.5.34.1 The responsibilities of this committee are to facilitate both the planning of academic spaces and capital project needs in the academic division, and to consult on integrated technology infrastructures and planning, ensuring that facilities, educational technologies, and emerging digital tools collectively support the college's academic mission. [Added 2026]

5.5.35 The Women's, Gender and Sexuality Studies Advisory Committee consists of five faculty, the majority of whom have taught (core or elective) courses in the Women's, Gender and Sexuality Studies Program, and the Chair of the Women's, Gender and Sexuality Studies Program who serves as Chair of the Committee. [Added 2005; Rev. 07-10, 2009, 2010, 2015, 18-58, Board, May 18, 2019]

5.5.35.1 The responsibilities of this Committee are to advise the Chair of the Women's, Gender and Sexuality Studies Program on courses that make up the program, on requirements for majors and minors, and on other issues relating to the administration of the program. [Added 2005; Rev. 07-10, 2009, 2015, 18-58, Board, May 18, 2019]

5.6 Other Administrative Committees

5.6.1 The Presidential Advisory Committee on Commencement consists of three faculty members elected by the Faculty for three-year terms, the President, two other administrators, and representatives of the graduating class. The Committee is chaired by the President. [87-1, 90-51, 94-2, Rev. 1997, 1998, 2003, 06-32]

5.6.1.1 The responsibilities of this Committee are to: (1) solicit recommendations for possible honorary degree recipients and commencement participants, (2) recommend commencement

speakers and honorary degree candidates to the President, and (3) select the annual Thomas Roy and Lura Forrest Jones Visiting Lecturer from nominations submitted by the faculty to the Committee. [94-2, Rev. 2003, 2007, 06-32, 2009]

5.6.2 [on hiatus] The Communications Advisory Committee consists of four faculty members appointed by the Provost; the following incumbents or their designees (Associate Provost of Scholarship, Research, and Academic Initiatives, Vice President of Enrollment Management, Special Assistant to the President for Community and Board Relations, and Executive Director of Alumni and Parent Relations); and a representative of Student Government. The Committee advises the Vice President for Marketing and Communications on matters relating to the external promotion of the College and to internal communications policies and practices. [Added 2012, Rev. 2014, 2019]

CHAPTER 6

FACULTY SALARIES AND OTHER COMPENSATION

6.0 Policies and Procedures for Individual Salary Considerations

6.0.1 The normal payroll year is from July 1 through the following June 30. (See Chapter IV, Section 4.1.1.1, for a definition of the academic year and duty requirements.) [Statute 71, Rev. 1999, Board, May 20, 2005]

6.0.2 The College seeks to make Faculty compensation competitive with institutions of Lafayette's size and quality, within the limitations of the budget. [Added 1970]

6.0.3 Each year the President and the Board of Trustees estimate the anticipated income of the College, which must set the limit on what can be spent, and establish salary ranges for the Faculty ranks. [Added 1970, Rev. 2016]

6.0.4 The College budget for the following academic year is developed in the fall and winter for review by the Board of Trustees' Executive Committee at its winter meeting and for approval by the Board of Trustees at its spring meeting. [Added 1970, Rev. 1976]

6.0.5 The Provost provides Department Heads/Program Chairs with guidelines with respect to salary increases to consider in developing their staff recommendations. [Added 1970, Rev. 1987, 2008, 2010]

6.0.6 Each tenure-track and tenured faculty member will complete a Professional Activities Form and send one copy to their Department Head/Program Chair and one copy to the Provost. Faculty who do not complete a Professional Activities Form by the deadline risk receiving only the minimum salary increase for the next academic year. [Added 09-07]

6.0.7 After receiving the Professional Activities Forms, Department Heads/Program Chairs will write a brief narrative assessing the performance in the areas of teaching, scholarship, and service for each faculty member using the criteria described in Section 4.2 of the *Faculty Handbook*. Department Heads/Program Chairs are encouraged to hold conferences with their department/program members to review the quality of their work. It is expected that all faculty contribute to all three areas every year, except in defined circumstances (e.g. during research and sabbatical leaves no teaching or College service are expected). Though the nature of faculty contributions will vary from individual to individual and from year to year, Department Heads/Program Chairs should evaluate higher the performance of those who demonstrate meritorious performance in multiple areas than those who do not. [Added 09-07]

6.0.8 The Department Head/Program Chair will provide a copy of the brief narrative to the faculty member and to the Provost. The faculty member has the right to respond to this narrative in writing to both the Department Head/Program Chair and the Provost if the faculty member chooses. [Added 09-07]

6.0.9 The Provost will review the Professional Activities Forms and the narratives before making annual salary decisions. [Added 09-07]

6.0.10 The Provost will consult with Department Heads/Program Chairs prior to final determination of individual salaries. [Added 09-07]

6.0.11 The Provost will allocate the salary pool taking into consideration merit, compression and equity issues, and the AAUP standing of the three professorial ranks. [Added 09-07]

6.0.12 Salary letters for the following year will be sent to faculty members by the Provost. These letters will provide explanatory information for the salary decisions. A faculty member who has questions with respect to salary matters should first discuss them with their Department Head/Program Chair. [Added 09-07]

*6.0.13 Payment for service in excess of the normal workload. Pay rates are available from the Office of the Provost. [Rev. 1987, 1989, 1991, 1996, 1998, 2026]

6.0.14 Pay rates for visiting and adjunct faculty are available from the Office of the Provost. [Rev. 1996]

6.0.15 The pay date for monthly Faculty/Administrator paychecks is the 25th of the month. If the 25th falls on a Saturday, Sunday, or holiday, the pay date is the preceding workday.

6.0.16 A federal immigration law requires that all employees verify their employment eligibility. New Officers of Instruction must complete an I-9 Employment Eligibility Verification Form and present documents that establish both identity and employment authorization to the Office of the Provost *before* the College can issue a paycheck. [Rev. 1989, 2014]

6.1 Benefits

The following statements are brief descriptions of benefits that together with salary constitute the total compensation paid to faculty and officers of administration. These statements are not intended to serve as a substitute for the "Summary Plan Descriptions" which are available for the various benefit plans at the Office of Human Resources. If there should be a difference between statements in this Handbook and those in a "Summary Plan Description" because of a policy change or possibly through error, the "Summary Plan Description" is binding. [Rev. 2005]

The same benefits provided to the spouses of married employees are made available to same-sex domestic partners of eligible employees, provided that the employee and the partner meet the criteria for such relationships as established by the College. [97-9, Board, April 4, 1998, Rev. 2010]

Definitions used in this section. The term "members of the Faculty" designates those who have Faculty membership as defined in Section 4.1.2. The term "full-time faculty" designates all members of the Faculty as well as persons on full-time visiting faculty appointments. [Added 2005]

6.1.1 Social Security

All College employees are covered by Social Security and are eligible when qualified for Retirement, Disability, Survivors, and Medicare benefits. Individuals and the College are both required to pay taxes equally for Social Security and Medicare. [Rev. 1991]

6.1.2 Retirement Plan

Faculty members can become eligible for certain retirement benefits at age 55 with ten consecutive years of full-time service. Faculty members hired by the College prior to July 1, 1996, who meet the retirement criteria may enroll in the appropriate health plan(s) offered and subsidized by the College for retirees. Eligible participants include the retiree and the retiree's eligible spouse and dependents at the time of retirement. Additional information regarding retiree health insurance coverage for eligible spouse, domestic partner, and dependents may be found in the "Lafayette College Health and Welfare Plan and Summary Plan Description." [Rev. 1987, 1988, 1991, 1992, 2000, 2001, 2002, 2015, 2016, 2023]

Lafayette provides eligible faculty with a 403(b) retirement plan (Lafayette College Retirement Plan) based on investment funds through the Teachers Insurance and Annuity Association (TIAA)

and Fidelity Investment Company. Both companies offer a wide variety of investment vehicles that collectively cover all major asset classes**.** [Rev. 1993, 1994, 2005, 2008, 2010, 2015, 2016, 2022, 2023]

6.1.2.1 Eligibility for full-time faculty on academic year appointments begins on the preceding July 1; for full-time faculty not on academic year appointments, eligibility begins on the first day of the month coinciding with or next following the first day of employment. The College contributes a sum equal to 10% of the annual base salary to the participant's retirement account. The participant is required to contribute 5% by the salary reduction method on annual earnings in excess of $15,000. The participant may choose to contribute an additional portion of the participant's salary up to the IRS limit at any time during the year through elective deferrals under the Lafayette College Retirement Plan. [Oct, 1, 1957, 78-20, Rev. 1989, 1990, 1997, 1999, 2005, 2006, 2008. 2010, 2020, 2022, 2024]

6.1.2.1.1 Ownership rights to the retirement accounts are fully and immediately vested in the participant at all times. Participants' deferral contributions, the College's contributions, and earnings thereon are fully and immediately vested. Accumulations in the RA contract of the TIAA Traditional Annuity, however, may require withdrawals in the form of a lifetime payout annuity or in periodic installments over a ten-year period. [Rev. 1999, 2006, 2008, 2010, 2023]

6.1.2.2 In addition to the Plan contributions described in Sections 6.1.2.1 and 6.1.2.1.1, all faculty may participate in the voluntary aspect of the Lafayette College Retirement Plan by making elective deferral contributions to the Plan. College contributions are not provided for under the voluntary aspect of the Plan. The participant makes tax-deferred contributions to this Plan through a salary reduction agreement. Accumulations held in the elective deferral aspect of the Plan are less restrictive than the Lafayette College Retirement Plan accumulations of mandatory and employer contributions. Certain distributions and loans may be allowed. [Rev. 2000, 2006, 2008, 2010, 2015]

6.1.2.3 Faculty who choose to retire are required to provide written notice of intent to retire by September 1 of the proposed final year of employment by the College. [Added 1989, Rev. 1990, 1991, 2005]

*6.1.3 Group Life Insurance

Certain members of the Faculty are eligible for coverage under the College's Basic Life Insurance Plan. Eligibility for members of the Faculty on academic year appointments begins on the preceding July 1; for members of the Faculty not on academic year appointments, eligibility begins on the first day of the month coinciding with or next following the first day of employment. The policy is underwritten by The Hartford. The policy provides life insurance equal to 1.5 times the base annual salary plus $15,000, not to exceed $500,000. The College pays the full premium for this coverage. This group-term life insurance decreases beginning at age 65 and every five years thereafter. The plan provides an accidental death benefit equal to the amount of the basic life insurance payable (1.5 times salary to $500,000) in addition to the basic life insurance benefit. Each employee has the option to purchase additional Supplemental Life Insurance up to five times the employee's annual salary not to exceed $500,000. Each participant will be issued a Group Life Certificate. Within thirty-one days following termination of employment, an insured employee may convert all or part of the employee's life insurance under the group plan to an individual policy or exercise the portability option (if eligible) without the need for medical approval**.** [Rev. 2003, 2005, 2006, 2008, 2010, 2012, 2016, 2019, 2023, 2026]

6.1.4 Health Insurance

Full-time faculty and their eligible dependents have the option of enrolling in one of three preferred provider organization (PPO) plans. Eligibility begins on the preceding July 1 of an academic year appointment or, for full-time faculty not on an academic year appointment, on the

first day of the month coinciding with or next following the first day of employment. [Rev. 1995, 1996, 2003, 2005, 2009, 2010, 2011, 2015]

*6.1.4.1 Standard PPO Plan

The Standard PPO Plan is a typical PPO plan which provides in- and out-of-network benefits by using the local Capital Blue Cross medical provider network and the national Blue Cross/Blue Shield PPO networks. [Added 2015, Rev. 2017, 2018, 2020, 2026]

*6.1.4.2 Low Deductible PPO Plan

The Low Deductible PPO Plan offers richer benefits (lower out-of-pocket expenses), in exchange for increased monthly premiums. [Added 2015, Rev. 2026]

6.1.4.3 Qualified High Deductible Plan w/HSA

The Qualified High Deductible PPO Plan w/HSA requires greater member out-of-pocket expense in exchange for lower monthly premiums. This plan also includes a Health Savings Account (HSA), which is an interest bearing savings vehicle partially funded by the College and the employee (if desired). This account can be used to pay for qualified health care expenses not covered in-full by the medical plan, on a pre-tax basis. If elected, the employee's contribution is deposited into this account during the year and used to pay for qualified expenses incurred by the member. The College will make its contribution to this account at the beginning of the coverage period. Money in this account, and any interest, is tax-free if used to pay for qualified medical expenses. It works very much like a flexible spending account (FSA) with some advantages. In addition to higher annual contribution limits, the money in the account is fully owned by the employee, and the balance can be carried forward into future years without fear of forfeiture. Note: IRS guidelines prohibit an employee from participating in a medical FSA account if they are enrolling in the QHDHP/HSA option. [Added 2015, Rev. 2016, 2017, 2022]

Detailed medical plan summaries and plan comparison tools are available from the Office of Human Resources and from the Human Resources website. [Rev. 2015, 2026]

6.1.5 Flexible Spending Accounts

The College offers Flexible Spending Accounts (FSA), which provide a tax-effective way to pay for certain medical care and dependent/child care expenses with pre-tax dollars. Further information is available in the Office of Human Resources. [Rev. 1989, 2006]

6.1.6 Dental Insurance

The College offers a voluntary dental plan to full-time faculty and their eligible dependents. The plan is administered by Delta Dental. The plan allows participants to obtain dental care within an established network of dental providers. The reimbursement percentage for each procedure varies by the type of treatment received. An in-network dentist cannot charge more than the allowance established by Delta Dental for the service. Payment is, therefore, limited to the coinsurance percentages listed in the plan booklet. Participants pay the full premium for this plan. [Rev. 2000, 2005, 2011, 2012, 2018, 2024]

6.1.7 Vision Plan

*The College offers a voluntary vision plan to full-time faculty and their eligible dependents. The plan is administered by National Vision Administrators (NVA). This plan offers coverage on eye care products and services when an NVA provider is used. Participants pay the full premium for this voluntary plan. [Rev. 2000, 2005, 2012, 2026]

6.1.8 Travel Accident Insurance

Employees who travel on College business are covered by Travel Accident Insurance. The policy provides coverage for accidental death and for permanent total disability from an accident while traveling on College business. [Rev. 1989, 1990, 2003, 2005]

6.1.9 Disability Benefits

6.1.9.1 Temporary Disability

If a member of the Faculty requires a short-term leave because of medical reasons, they must report this to the Department Head/Program Chair promptly. (See also Section 4.1.4.7) [Rev. 2005, 2013, 2019]

6.1.9.2 Long-Term Disability Insurance

*The College provides Long-Term Disability Insurance through The Hartford. Temporary or visiting faculty are not eligible to participate in this benefit plan. Eligibility for members of the Faculty on academic year appointments begins on the preceding July 1; for members of the Faculty not on academic year appointments, eligibility begins on the first day of the month coinciding with or next following the first day of employment. The College pays the cost of the insurance. Income replacement benefits and retirement plan contributions begin after six months of total disability and continue during disability until full social security retirement age. The income benefits from this plan, including any other disability income benefits payable, are equal to 60% of the monthly base salary at the commencement of the period of continuous long-term disability but are no more than $15,000 monthly. If continuous total disability commences after an individual's sixtieth birthday, the duration of the benefits may be limited depending on one's age at the time of disability. [78-21, Rev. 1986, 1989, 1993, 1999, 2004, 2005, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2026]

6.1.9.3 Salary Continuation

The College will pay the salary (if applicable) of a totally disabled member of the Faculty for the initial six-month interval before Long-Term Disability Insurance benefits become payable, less any disability income benefits received from Social Security (see Section 6.1.1), Workers' Compensation Insurance (see Section 6.1.11), etc. [Rev. 1990, 2000, 2005, 2008, 2011, 2012]

6.1.9.4 Regarding long-term medical disability, see also Section 4.9.2. [Rev. 11-9]

6.1.10 FMLA Leave

The Federal Family and Medical Leave Act (FMLA) requires employers with fifty or more employees to provide unpaid leave to both women and men for 1) care of newborn or newly adopted infants, 2) for the care of children, spouses, or parents with serious health conditions, or 3) for a serious health condition that makes the employee unable to perform the employee's job. Employees can take up to twelve weeks of FMLA leave within a twelve-month period. [Rev. 2005, 2006]

6.1.11 Parental Leave Policy [Added 13-37, Board: Oct 25, 2014]

6.1.11.1 Primary Caregiver [Added 13-37, Board: Oct. 25 2014]

Upon timely notification of the Department Head/Program Chair and the Dean of the Faculty, a full-time non-visiting Officer of Instruction, or a part-time or visiting Officer of Instruction with a continuing contract of two or more years, who is serving as the primary caregiver for

newborn child(ren) or of child(ren) placed for adoption is entitled to receive a two-course teaching reduction during the first year in which a child is born or placed for adoption The two-course reduction will be at full pay. Additionally, the Officer of Instruction is entitled to be relieved of non-classroom professional duties during the portion of the semester of the two-course reduction subsequent to the birth or placement of a child for adoption.

The two-course reduction provided by this policy shall normally be taken:

- During the semester of the birth or placement for adoption when such an event is expected to occur during the first eleven weeks of a teaching semester;

- During the semester following the birth or placement for adoption when such an event is expected to occur during the last four weeks of a teaching semester or during a semester break. In such a case the Officer of Instruction is entitled to a relief from teaching and non-classroom professional duties during the final weeks of the teaching semester subsequent to the birth or the placement of the child for adoption, but is expected to develop plans for alternate instruction and final exam administration during those weeks in order to minimize the disruption of classes.

For the purposes of this policy, each “semester” shall run from the first day of classes through the last day of classes.

When both parents are employees of the College, they cannot take Parental Leave at the same time.

The definition of “primary caregiver” will vary across family situations, but normally the primary caregiver will have primary care responsibility for the child(ren) for a significant portion of the day during the regular work week during the period of the Paid Parental Leave.

An employee taking a Paid Parental Leave will be required to sign an affidavit indicating that they are the primary caregiver.

Non-classroom professional duties include but are not limited to the following: faculty searches, curriculum work, organizing events, academic advising, honors thesis supervision, and participation on elected and appointed college committees.

The Paid Parental Leave will be coordinated with other paid and unpaid leaves (if any) as determined by Lafayette College and consistent with applicable law.

The academic year in which a full-time, non-visiting Officer of Instruction receives a Parental Leave will not count as part of their probationary period, unless the Instructor requests otherwise. Section 4.1.6.4 specifies that a maximum of two academic years will not be counted.

No more than three Paid Parental Leaves may be taken during a person’s employment at the College.

The College recognizes that, depending on the circumstances or timing of a particular birth, or placement for adoption, alternative leave arrangements may be appropriate (e.g. in circumstances in which an adoption requires substantial time for travel in advance of the arrival of the child into the family or in cases in which the child is expected to arrive during a leave). In these circumstances, faculty members are encouraged to consult with the Dean of the Faculty to determine an appropriate leave arrangement for the mutual convenience of the faculty member and the College. Although an alternative arrangement is subject to the approval by the Dean of the Faculty, it is understood and expected that the Dean of the

Faculty and the faculty member will work cooperatively and in good faith to reach a comparable, mutually convenient alternative.

6.1.11.2 Non-Primary Caregiver [Added 13-38, Board: Oct 25 2014]

A full-time non-visiting Officer of Instruction who is not the primary caregiver is entitled to exemption from non-classroom professional duties for the semester in which the Officer of Instruction's child is born or placed for adoption or the following semester, upon timely notification of the Department Head/Program Chair and the Dean of the Faculty of an anticipated birth or placement of a child. Departments/Programs and the College will be responsible for providing whatever coverage of these duties might be necessary.

Non-classroom professional duties include but are not limited to the following: faculty searches, curriculum work, organizing events, academic advising, honors thesis supervision, and participation on elected and appointed College committees.

6.1.12 Workers' Compensation

Each employee is covered by Workers' Compensation insurance, which is paid for by the College. When an injury occurs while an employee is engaged in work for the College, the Workers' Compensation insurance carrier determines whether or not a claim is compensable. If the claim is judged compensable, the program pays for medical expenses incurred because of the injury and a portion of the employee's normal wages if the injury prevents the employee from working. It should be noted that faculty members are covered for interim disability (up to six months) at full pay (see Section 6.1.9.1). A faculty member who suffers a job-related injury must file for Workers' Compensation benefits and reimburse the College for the portion of salary paid by Workers' Compensation during the six-month interval before Long-Term Disability Insurance benefits became payable. Any accident which occurs and which may be job-related should be reported immediately to the Office of Human Resources. [Rev. 1990, 2010, 2011, 2017]

6.1.13 Unemployment Compensation

An employee whose employment is terminated through no fault of the employee may be eligible to receive Unemployment Compensation. The College makes payments, which provide the benefits, to the State Unemployment Compensation Fund. The State Office of Employment Security processes employees' claims and decides whether or not they should be approved. If a claim is approved, the amount of compensation is based on the employee's normal weekly wages and may be collected under conditions that are prescribed by law. Any questions concerning Unemployment Compensation should be directed to the Office of Human Resources.

6.1.14 Tuition Support

In addition to the benefits outlined below, a Tuition Exchange scholarship program is available to the Lafayette community. Information is available from the Office of Admissions, ext. 5100 [questions related to admissions] and the Office of Human Resources, ext. 5060 [questions related to eligibility]. [Added 2001, Rev. 09-32, 2021, 2024]

Details on the Tuition Support Program may be found at https://hr.lafayette.edu/tuition/. This includes a detailed Tuition Program summary and covers full-time (dependents) and part-time (faculty, staff and spouses). Tuition Support Requirements, Eligibility, and Administrative Process is provided in the Tuition Program Summary.

6.1.15 Sabbatical and Research Leave Program

The Promotion, Tenure, and Review Committee has been authorized by the Faculty to delegate to the Provost review of sabbatical leave requests. This will be done with the understanding that the Provost will seek the advice of the Promotion, Tenure, and Review Committee in cases when either the Provost or the faculty member involved wishes. [90-52]

6.1.15.1 Sabbatical Leave

The College encourages the use of sabbatical leaves in order to promote the professional growth of the Faculty. Normally, the sabbatical clock begins in the second year of tenured service; thus, the Faculty member may take their first sabbatical in that year. Tenured faculty may apply for a half year at full pay or a full year at half pay. The period between sabbaticals shall be twelve complete academic semesters of full-time teaching at Lafayette. Such semesters need not be consecutive. Tenured faculty are permitted to delay a sabbatical by up to one year and still return to their original sabbatical clock. Further, when it meets individual and institutional needs, tenured faculty are permitted to take a second and/or subsequent sabbatical up to one year early, again with the expectation that they will return to their original sabbatical clock. [Board, Aug. 1956; Board, April 2, 1957, Board, Jan. 3, 1958; Board, Feb. 13, 1971, 84-26, Board, Oct. 12, 1985, Rev. 2000, 01-17]

The College also offers an enhanced sabbatical policy under which tenured faculty may apply for a one-year sabbatical at 80 percent pay after twelve semesters of teaching or a one-semester sabbatical at 80 percent pay after six semesters of teaching. In addition to meeting the criteria specified in Section 6.1.15.1.3 of the *Faculty Handbook*, an application for an enhanced sabbatical must make a clear and convincing case that the proposed work has high scholarly merit and has the potential for stimulating ongoing scholarly interest. An applicant must also have a record of continuous scholarship which has had a significant impact in their field. Evidence of earnest attempts to secure external funding will be viewed positively. [Cf. Sec. 6.1.15] [99-40, Rev. 01-33, Board, Oct. 19, 2002, 06-11, 11-25]

Should a candidate for an enhanced sabbatical be successful in securing external funding, to the extent that the College-funded salary and the salary portion of the grant together exceed 120 percent of the faculty member's base salary, the College's 80 percent commitment will be proportionately adjusted. If a faculty member receives external funding from an organization that does not allow its funds to be used to exceed the faculty member's base salary, the College's portion of the salary will be adjusted, with the difference (up to the 120 percent cap) placed in an account that the faculty member may use for equipment, software, book purchases, travel, conference attendance, etc. related to their sabbatical project [99-40]

Tenured faculty are permitted to delay a year-long enhanced sabbatical by up to one year and still return to their original sabbatical clock. Further, when it meets individual and institutional needs, tenured faculty are permitted to take a second and/or subsequent year-long enhanced sabbatical up to one year early, again with the expectation that they will return to their original sabbatical clock Semester-long enhanced sabbaticals will normally be taken at the end of six semesters of teaching. [11-25]

One person per semester may be on leave from a department/program of seven or fewer members, and two persons per semester may be on leave from a department/program of eight or more members. Numbers of sabbatical leaves exceeding the above limitations require exceptional circumstances. Normally, no more than one-seventh of the tenured Faculty of the College may be on sabbatical leave during any academic year. [Board, April 2, 1958; Board Feb. 13, 1971]

6.1.15.1.1 It is the responsibility of the Department Head/Program Chair, in consultation with the Provost, to ensure that proper planning is undertaken to coordinate sabbatical leaves within the department/program. In the event that the number of sabbatical leaves

requested within a department/program exceeds the restrictions stated above, the Department Head/Program Chair shall indicate the order of priority. [84-26]

6.1.15.1.2 The deadline for applications for sabbatical leaves is near the start of the fall semester, with the specific date being advertised by the Office of the Provost. The application must be written and be accompanied by a supporting statement from the Department Head/Program Chair. Sabbatical leave applications are reviewed by the Promotion, Tenure, and Review Committee and are usually acted upon by the Board of Trustees at its fall meeting. Usually, applicants are notified of the decision by the first of November. [84-26; Rev. 21-44, Board Oct 21, 2022]

6.1.15.1.3 The granting of a sabbatical leave is to be based upon the merit of the proposed activity. The faculty member applying for a sabbatical leave shall prepare a proposal for review by the Department Head/Program Chair and the Promotion, Tenure, and Review Committee The principal emphasis for a sabbatical leave must be placed upon scholarly activity and professional development The proposal is expected to be quite detailed and shall be specific in regard to what the faculty member intends to do on sabbatical leave, how and where it shall be done, what results are anticipated or hoped for, what benefits the individual believes will accrue to them and to the College, and how these benefits might be demonstrated. Routine work similar to the occupation at Lafayette is not regarded as particularly beneficial to the College or to the individual on leave. In the application for a sabbatical, the faculty member should discuss briefly prior leaves supported by the College, if any, and the extent to which the goals of those leaves were achieved The application must also include the original proposal for the previous sabbatical leave (except for newly tenured faculty who have not had a previous sabbatical), the report submitted at the conclusion of the previous sabbatical (sabbatical reports will be sent to the Provost with a copy to the Department Head/Program Chair), the three most recent Professional Activities Forms, and a current curriculum vitae. [84-26, Board, Oct. 12, 1985, Rev. 01-33, Board, Oct. 19, 2002, 11-26]

6.1.15.1.4 A faculty member who has been granted sabbatical leave is ordinarily expected to return to duty at the College for at least a full academic year following the leave. Upon return, the faculty member shall report in writing to the Provost how the goals stated in the proposal have been realized, what have been the benefits to the individual and to the institution, and how these benefits have been or shall be demonstrated. The Provost will share this report with the President and the Board of Trustees. [Board, Jan. 3, 1958, Oct. 12, 1985, 84-26]

6.1.15.1.5 Employee benefits normally continue during a leave with pay. [Board, Jan. 3, 1958, Oct. 12, 1985, 84-26]

6.1.15.2 Research Leave Program

To each Assistant Professor the College makes available a one-semester research leave. Normally, the research leave is taken during the academic year immediately following the faculty member's midterm review However, an Assistant Professor who receives a terminal contract by September 1 of the academic year immediately following their midterm review shall not be eligible for such a leave. [97-8]

6.1.15.2.1 A faculty member preparing materials for their midterm review should address in their self-evaluation plans and goals for a research leave. [97-8]

6.1.15.2.2 The College expects that a faculty member who receives a research leave will return to the College for at least one semester of service after the leave. Upon return, the faculty member shall report in writing to the Provost how the goals stated in the proposal have been realized, what have been the benefits to the individual and to the institution,

and how these benefits have been or shall be demonstrated. The Provost will share this report with the President and the Board of Trustees. [97-8]

6.1.15.2.3 An academic year, one-half of which is spent on leave, does not count as one of the seven provisional years of employment. [97-8]

6.1.16 Sponsored Research Support

Applications for sponsored research support should be discussed in advance with the Director of Sponsored Research and proposals for such grants must be approved by the Director of Sponsored Research or by the Provost. When applying for an independent grant application, e.g., for a National Endowment for the Humanities Fellowship or for an American Council of Learned Societies Fellowship, a faculty member should consult with the Director of Sponsored Research and should inform the Director of Sponsored Research of each such application. Consulting activities with institutions or companies other than Lafayette College should be reported to the Department Head/Program Chair and the Provost and should be included, with specific reference to the institution or company for whom one is doing the consulting, on the professional activities form to the Provost. [Cf. Sec. 6.1.14.1] [Rev. 1987, 1998, 11-9]

6.2 Leave of Absence Without Pay

A faculty member may apply to the Provost for a leave of absence without pay. Normally, these requests are made so that the applicant may accept a fellowship or a research grant, or for compelling personal reasons. The Promotion, Tenure, and Review Committee has been authorized by the Faculty to delegate to the Provost review of leave of absence requests. This will be done with the understanding that the Provost will seek the advice of the Promotion, Tenure, and Review Committee in cases when either the Provost or the faculty member involved wishes. [Rev. 1987, 90-52]

6.2.1 An untenured member of the Faculty is not normally eligible for leave, paid or unpaid, prior to the completion of three years of full-time service at Lafayette. Application may be made during the third year.

6.2.2 Leave of any kind for an untenured faculty member is normally limited to a single year. This does not preclude application for additional leave after the faculty member resumes their teaching responsibilities. An academic year, one-half of which is spent on leave, does not count as one of the seven probationary years of employment. [Rev. 11-9]

6.2.3 Continuation of employee benefits during a leave of absence without pay will be considered and may be allowed for purposes of professional development, e.g., research, advanced study, or a grant. [Added 1986]

6.2.4 Upon return, the faculty member shall report in writing to the Provost how the goals stated in the proposal have been realized and, if appropriate, what have been the benefits to the individual and to the institution, and how these benefits have been or shall be demonstrated. The Provost will share this report with the President and the Board of Trustees. [Rev. 1996]

6.3 Travel to Professional Meetings ["Enunciated" by Dean, Jan. 6, 1959, Rev. 1992, 1993, 97-24, Rev. 1998]

*The College encourages faculty members to attend and to participate in meetings of professional societies, including meetings that may strengthen interdisciplinary connections in teaching or research. To the extent that resources permit, the College will provide funding for faculty members to travel to professional meetings. Requests for travel funding must be submitted to the Office of the Provost through the electronic Travel Planning Form by the first Friday in September for conference travel planned to take

place in the same academic year. The requests should be listed in priority order. [Rev. 2001, 2008, 2010, 2014, 2019, 2020, 2023, 2026]

6.3.1 Because adequate funding may not always be available to finance all desirable faculty travel, faculty members must indicate the priority they assign to each planned trip. A first-priority trip will be funded for all faculty who apply, before any second-priority and third-priority trips are considered. The following guidelines will be used in determining faculty travel support:

a. Tenure-line faculty members, full-time lecturers, and visiting assistant professors are eligible to apply for first-priority conference travel support. First-priority conference travel will be allotted a maximum of $2,500 to be used for transportation, housing, food, and registration costs. For international travel (except Canada), travel to Hawaii, and in extraordinary circumstances, faculty may request that funds from the second-priority trip be used to offset costs for first-priority travel. [Rev. 2000, 2007, 2014, 2023]

b. Faculty members will be supported up to $1,000 per year to fund trips other than first-priority trips. This sum may be divided among several trips in which the faculty member participates by reading papers, chairing sessions, serving as a discussant, or making some other significant contribution. Beyond this $1,000 limit for non-first-priority trips, junior faculty members may apply for one additional conference trip in which they plan to participate in a significant way. These will be approved when funds are available. Up to $500 of a faculty member's annual travel support may be applied to a meeting for professional development purposes without direct participation by the faculty member. The College will support at most one professional development trip per year per faculty member. [Rev. 2006, 2007, 2009, 2023]

c. Faculty may complete with these funds one conference trip each year for professional development, where there is no significant contribution to the conference. Faculty with access to external or alternate funding sources are strongly encouraged to use those funds toward conference travel for professional development. [Added 2023]

d. The total reimbursable cost of conference travel across the three trips may not exceed $5,500. [Added 2023]

e. Travel expenses eligible for support include: conference registration fees, round trip transportation, hotel, meals, and local travel. Expenses up to the limits described above will be reimbursed in accordance with the College's Travel Reimbursement Policy. [Rev. 1999, 2001, 2002, 2004, 2006, 2007, 2013]

f. Due to ongoing budget constraints, additional support for extraordinary conference travel expenses is not available unless necessitated by an emergency. If an emergency should arise, please contact the Associate Provost of Scholarship, Research and Academic Initiatives by email as soon as possible. [Added 2014, Rev. 2023]

6.3.2 Exceptions may be made to these guidelines, provided they are discussed with and approved by the Associate Provost of Scholarship, Research and Academic Initiatives prior to the trip taking place. [Rev. 2001, 2008, 2010, 2014, 2019, 2020, 2023]

6.3.3 The faculty travel program is administered by the Office of the Provost with the advice of the Research Support Committee, which reviews policies and guidelines on an annual basis. Expenses for faculty recruitment and curriculum development are paid from other funds. Expenses for trips for the purpose of conducting research are eligible for support from the Research Support Committee**.** [Rev. 2001, 2008, 2010, 2014, 2019, 2020, 2023, 23-35, 24-16]

6.4 Research and Advanced Study Grants

All tenured and tenure-track faculty are eligible to participate in programs funded by the College which provide for the payment of modest expenses involved in professional development and in faculty research programs. Application must be made to the Research Support Committee according to procedures outlined in a *Research Manual* distributed by the Committee. [Rev. 2002, 23-35, 24-16]

6.4.1 Professional Development Grants

Each year the College grants a small number of Professional Development Grants. Eligibility requirements and other details are available in the *Research Manual*, which is available online. Part-time or Visiting Officers of Instruction are not eligible for these awards. [Rev. 1990, 2004, 2007]

6.5 Athletic and Recreation Facilities

6.5.1 Faculty members, their spouses and children are admitted to all home athletic events, except the Lehigh football game, upon presentation of a current validated College ID card, athletic facility use photo ID card, or the Department of Athletics pass. Passes for spouses and children may be obtained from the Department of Athletics for a nominal service charge. [92-45]

6.5.2 Athletic and recreation facilities are available for use by faculty members, their spouses and children throughout the year, in accordance with arrangements made by the Departments of Athletics and Recreation Services. Passes to athletic and recreation facilities for spouses and children may be obtained from the Office of Recreation Services for a nominal charge. [92-45, Rev. 2001, 2002, 2005]

a. Facilities are available only when their use does not interfere with regularly scheduled student activities and events. Students and College employees have priority in the use of sports facilities. [92-45]

b. When accompanied and actively supervised by a parent, children under sixteen years of age are permitted use of all recreation facilities except the Fitness Center. [92-45, Rev. 1999, 2002]

c. Faculty members, their spouses and children utilizing the recreation facilities must present at the time of usage a current validated College ID card or picture ID card. [92-45, Rev. 1999, 2002]

d. Guest passes for campus visitors may be obtained for a nominal fee. [92-45, Rev. 1999]

e. Athletic and recreation facility usage is a privilege. Individuals found to be destructive of equipment or who engage in abusive behavior or act in disregard of the regulations set forth shall have their privileges revoked by the Office of Recreation Services. [92-45, Rev. 1999, 2002]

f. Hours of operation will vary due to special events and vacation breaks All arrangements and policies are under the supervision of the Office of Recreation Services. [92-45, Rev. 1999]

6.5.3 Weinstein Natatorium is available for use in the summer by faculty members, their spouses and children who pay the recreational swimming membership fee. This membership fee and the rules of usage are under the supervision of Recreation Services. [92-45, Rev. 1999]

6.6 Cultural Events Program

*Each year the College arranges a series of concerts, lectures, films, dance, and theatrical programs. For events presented in the Arts, tickets are generally available to Faculty either free of charge or at a reduced price. College identification cards are used to request tickets. Because seating capacity is limited, there may be occasional restrictions on availability of tickets. [Rev. 1987, 2007,2026]

6.7 Library Privileges [Rev. 1996, 1998, 2022]

6.7.1 The resources and services of Skillman and Kirby Libraries are available to faculty members and their families. The Libraries also extend borrowing privileges to spouses and to children aged sixteen and over; library cards can be obtained at the Skillman Circulation Desk. Interlibrary Loan services are not available to spouses and children. [Rev. 2001]

6.7.2 Faculty members, their spouses and children must show identification cards in order to borrow books. They are responsible for all items charged out on their cards.

6.7.3 Faculty members, their spouses and children of faculty, may borrow materials from the general collections of Skillman and Kirby Libraries for one academic year; all items must be returned or renewed at the end of each academic year. Some materials (e.g., videos, Browsing Collection) have shorter loan periods. Materials borrowed from other institutions are subject to the lending policies of the owning library. [Rev. 2001, 2005, 2022]

6.7.4 Books and other items borrowed by faculty members, their spouses and children are subject to recall by other library users. All borrowers are guaranteed at least seven days' use of material, unless it is needed immediately for course reserves. [Rev. 2001]

6.7.5 Bound periodicals circulate outside the library to faculty members for a period of one week. Unbound and current issues circulate for two days.

6.7.6 Faculty members who employ research assistants should contact the Skillman Circulation Desk if they would like their research assistants to charge material to a faculty record. Faculty members are responsible for items checked out to them by research assistants. If faculty do not notify the Circulation Desk, then research assistants will only be permitted to check out materials under their own names.

CHAPTER 7

THE FACULTY MEMBER AND THE STUDENT

7.0 General

7.0.1 Each Officer of Instruction is expected to support the institutional purpose of the College in relations with students in the classroom and elsewhere. [Statute 74]

7.0.2 In the classroom, the Officer of Instruction will practice and will require of all students the highest standards of courtesy, tolerance, industry, dignity, and intellectual honesty. The Officer of Instruction should maintain the standards of academic achievement adopted by the Faculty and seek to inculcate respect for the heritage of learning.

7.0.3 Outside the classroom, Officers of Instruction are drawn into association with students in many ways--intellectual, professional, social, and religious. Each Officer of Instruction, in accord with conscience and as opportunities occur, accepts responsibility for taking part in the activities of the campus community, such as extracurricular interest groups, professional societies, social events in the fraternities, sororities, and residence halls, or in conversations with individual students on matters of concern. Contact with students outside the classroom is encouraged. Participation by Officers of Instruction in religious, social, cultural, and athletic events of a public nature on the campus, although properly voluntary, is encouraged. [Rev. 1997]

7.0.4 Smoking is prohibited in all Lafayette College buildings without exceptions for private offices or restrooms. [1993]

7.0.5 Romantic or sexual relationships between students and faculty members are prohibited. This prohibition is not lessened in any way if the relationship is consensual and/or if it is initiated by the student. For a faculty member to enter into such a relationship will be the basis for disciplinary action up to and including termination. This policy does not impact the ability for spouses or domestic partners of faculty members to enroll at Lafayette, nor does it impact their ability to take advantage of the College's tuition benefit programs. [24-20, Board May 23, 2025]

7.1 Statement of Admissions Guidelines [Added 05-9]

[under review]

7.2 Faculty Advisers

Faculty advisers for first-year students and sophomores are appointed by the Office of Advising and Co-Curricular Programs in consultation with the Associate Provost of Advising and Student Success and the Department Heads/Program Chairs. Once a student has petitioned to enter the junior class and officially declared a major, an adviser is assigned to that student by the Head of the major department/Chair of the program. Prior to the start of the senior year, students and their advisers receive a degree evaluation from the Registrar; any errors or discrepancies should be reported and corrected immediately. Although the chief function of an academic adviser is to advise students on their academic programs, the adviser should have in mind the total welfare of the student. The adviser should stay informed of the advisee's academic progress through regular meetings with the advisee throughout the term. Unless departments/programs have made special arrangements, the student's selection of courses must be approved by their adviser, and student petitions to the Student Affairs Committee must be signed by the adviser, who will normally include a recommendation for action. [Rev. 1992, 1997, 2004, 06-33, 2014, 2017, 2023, 23-35]

Faculty members may apply to the Dean of Advising and Co-Curricular Programs for reimbursement of reasonable expenses incurred in entertaining advisees (up to a limit of $75) or for the entertainment of students who are not advisees (up to a limit of $75). [Rev. 1989, 1992, 2002, 2006, 06-5, 06-33, 2011, 2014, 2017, 2023, 2025]

7.3 Student Discipline

7.3.1 The Office of the Vice President for Student Life has been empowered by the Faculty to act in matters of student conduct other than violations of College regulations on academic dishonesty. Procedural standards followed in disciplinary proceedings are described in the *Student Handbook*. [Oct. 6, 1959, Rev. 1986, 1988, 1989, 03-37, Board, Oct. 2, 2004, Rev. 06-5, 2011, 2022, 2023]

7.3.2 The Office of Advising and Co-Curricular Programs and the Student Affairs Committee have been empowered by the Faculty to act in matters of academic dishonesty on the part of students. Instances of violations should be reported promptly to the Office of Advising and Co-Curricular Programs. Procedural standards followed in disciplinary proceedings are described in the Student Handbook. [Oct. 6, 1959, Rev. 1989, 03-37, Board, Oct. 2, 2004, 06-33, 2014, 2023, 23-35]

7.4 Academic Calendar, Scheduling, and Class Attendance

*The Faculty has delegated to the Associate Provost of Curriculum, assisted by the Registrar, responsibility for recommending policies on the scheduling of classes and final examinations and on the academic calendar. [88-3, Rev. 1999, 06-33, 2014, 2015, 2019 ,2026]

*The Associate Provost of Curriculum, assisted by the Registrar, will report the academic calendar to the Faculty for approval two years in advance (normally at the February meeting). [88-3, Rev. 06-33, 2014, 2015, 2019, 2026]

All scheduling will be handled by the Registrar. [April 2, 1968]

All departments/programs will be willing to share in the obligation of offering and meeting classes at unpopular hours and on unpopular days. [April 2, 1968]

*In preparing the academic year calendar, the Associate Provost of Curriculum and the Registrar observe the following guidelines: [Added 1999, Rev. 06-33, 2014, 2015, 2019, 2026]

1. There shall be 28 full weeks of instruction during the academic year. [72-1]
2. The academic year shall be divided into terms of equal length. [76-9]
3. To the extent possible, the College calendar shall be designed to facilitate cross-registration at the member colleges of LVAIC. [72-1]
4. There shall be an interval of at least one day between the last day of classes and the first day of examinations in each semester. [72-1, 76-9]

7.4.1 Scheduling

All classes will be held at the times and places specified by the Registrar. Any desired change from the officially scheduled pattern should be cleared with the Department Head/Program Chair, Registrar, and the Provost before it is implemented. It is particularly desirable that no deviation from the authorized schedule be made immediately before or after recesses. When absences from class are necessary, they should be reported ahead of time to the Department Head/Program Chair and, when possible, arrangements should be made to provide substitute

instruction. When absences are anticipated, students should also be notified in advance. [77-6, Rev. 2015]

7.4.1.1 A department/program may request that certain courses be scheduled on an "hours to be arranged" basis. When courses are scheduled in this fashion, the specific arrangements should be reported to the Registrar as soon as they have been made.

7.4.1.2 The Registrar may schedule classes between the hours of 8:00 a.m. and 4:00 p.m., and 7 p.m. and 10 p.m. on Monday, Tuesday, Wednesday, and Thursday, and the hours of 8:00 a.m. and 4:00 p.m. on Friday. No classes for the day session will be held after 4:00 p.m. except with the approval of the Registrar; provided, however, that the Registrar may schedule classes in multiple-section courses between 4:00 p.m. and 10:00 p.m. on Monday through Thursday. All teaching at these specially permitted times should be on a voluntary basis. [75-12, 90-26, 93-28, Rev. 1998, 2002, 06-21, 06-33, 2009, 2014]

7.4.2 Class Attendance [Rev. 2002, 2025]

Because the formal bases of a college learning experience are the lecture, the laboratory, and the discussion group, class attendance is expected of all students. Each faculty member establishes and maintains attendance requirements in their own courses and is required to inform students of these requirements in the course syllabus. A copy of the syllabus should be on file with the Department Head/Program Chair and the Dean of Advising and Co-Curricular Programs.

Absence Verifications can be provided for athletics, active conference participation, religious observances, severe physical/mental illness or injury, or an emergency (e.g., bereavement, personal, family-related) that prevents the student from attending classes, exams, and/or labs. In cases of minor illness (e.g., cough, headache, etc.) students should not request or be issued an Absence Verification; faculty members have the authority of excusing a student for absences if they so choose, but verification from the Dean's Office cannot be required. Absence verifications cannot override the allowed amount of absences designated by the respective faculty member. If absences exceed faculty attendance policies, faculty should submit a formal Dean's Review. Students who feel they need or may be entitled to accommodations related to class attendance should contact Accessibility Services, and any request for accommodation related to class attendance will be reviewed on a case-by-case basis with consideration of any relevant attendance policy. [April 7, 1964, May 7, 1968, Rev. 1988, 1989, 1993, 2006, 06-33, 2014, 18-48, Board, May 18, 2019; Rev. per Provost; 24-24]

7.4.2.1 Practice Time

The normal academic day at Lafayette begins at 8:00 a.m. and goes to 4:00 p.m. The evening academic program will normally not begin before 7:00 p.m. Exceptions can be made for multi-section labs or courses or for special circumstances where an instructor's schedule makes it impossible or exceedingly difficult to have a 7:00 p.m. start. The scheduling of courses and laboratories during this time has priority over athletic considerations. The athletic day, in terms of team practices, may begin early in the morning (not to extend into the academic day which starts at 8:00 a.m.) and no earlier than 4:30 p.m. in the afternoon. *[87-5, 06-20]* Verified absences from class are for scheduled athletic events and related travel time. Academic considerations (scheduled classes, labs, common exams, and special academic opportunities such as: special guest speakers, field trips, etc.) have priority over practice time and travel to the practice fields; however, examinations scheduled in the evening outside of normal class hours should begin no earlier than 7:00 p.m. While students may individually practice a sport, i.e., running, swimming, etc., coaches may not formally schedule practice during the day, nor should coaches encourage students to arrive at practice sites before 4:15 p.m. Exceptions can be made for sports that must conduct more than one practice session per day due to facility limitations. For these sports (such as swimming), the first practice session may begin at 4:00 p.m. [87-5, 06-20, 2014; 24-25]

7.4.2.2 Post-Season Play

Lafayette College encourages excellence in all areas of student activity and recognizes post-season athletic tournaments to be encouragement to excellence in sport and reward for a high level of accomplishment. The College attempts to make reasonable provisions to allow students and teams to accept invitations to such events. When post-season play conflicts with regularly scheduled classes, the Office of Advising and Co-Curricular Programs may verify absences for participating students to faculty. In the event that post-season play conflicts with final examinations, students electing to compete will consult with instructors of those courses whose examinations are to be missed. Instructors may elect to allow the examination to be administered at another site, to be proctored by a member of the faculty, or elect to administer an examination on another date. If alternative solutions are necessary to meet special examination circumstances, the problem may be referred to the respective class dean in the Office of Advising and Co-Curricular Programs**.** [81-10, Rev. 06-33, 2014, 2023, 24-25]

7.4.2.3 Excessive Absences [Added 10-08]

At the will and judgment of the class instructor, if a student accumulates an excessive number of absences, as defined in the course syllabus, the instructor can request a formal Dean's Review of this behavior by the respective Class Dean in the Office of Advising and Co-Curricular Programs. During the review the Class Dean will meet with the student to assess the student's commitment to the course and to formulate a plan, if necessary, for addressing any underlying issues beyond the classroom. Based upon the outcome of this review, the Class Dean will normally include a formal warning to the student of possible mandatory withdrawal from the course if the absences continue. (In consultation with the instructor, this warning will normally specify the maximum number of additional absences before mandatory withdrawal.) The outcome of this review will be reported in writing to the instructor and student. The student also must meet with the instructor in order to reaffirm the student's commitment to the course. If the student continues to miss class in excess of the formal warning, the instructor may notify the respective Class Dean in the Office of Advising and Co-Curricular Programs, prompting the student's mandatory withdrawal from the course**.** [Added 10-08, Rev. 2014, 2023. 24-25**]**

The student will be awarded a WD for a course withdrawal that occurs through the 11th week of the semester. After the course withdrawal deadline, the student will have earned and be awarded the appropriate grade, as determined by the faculty member. [Added 10-08]

7.5 Conduct of Examinations

7.5.1 Tests and other means of assessing a student's efforts and progress should be assigned periodically through a semester; any test or exercise that is to count, for grading purposes, more than the value of a regular class exercise should be announced at least two weeks in advance. There are no minimum or maximum limitations in the matter of weighting. [Nov. 2, 1954, March 1, 1955, June 2, 1964, 72-11, 17-24]

7.5.2 All examinations, whether class exercises, hour examinations, or final examinations, should be planned and carried out so as to contribute to both the student's understanding of the course material and the faculty member's evaluation of the student's academic progress. Whenever possible, examinations and major graded class exercises should be scheduled well in advance and listed in a course syllabus which is distributed to all students. [Rev. 1989]

7.5.3 In examinations that require the student to set forth their thoughts in statements of their own composing, the use of clear and correct English is expected. See Appendix J for the statement of Faculty Policy on English Competency.

7.5.4 Every member of the Faculty is responsible for proctoring examinations in their own department/program. Responsibility for securing sufficient proctors rests with the Department Head/Program Chair. [May 2, 1967]

7.5.5 Rooms for hour examinations in multiple section courses and for all final examinations are assigned by the Registrar in consultation with the departments/programs. The times for final examinations are arranged by the Registrar and are not to be changed without the Registrar's consent. Final examinations shall be given as scheduled during the examination period and not during the last week of classes. [72-10]

7.5.6 When scheduling examinations, class field trips, and other course activities of a similar magnitude, faculty members are asked not to schedule such activities on the day of student-observed religious holidays which may not fall within the regular holiday schedule of the College. Faculty members are urged also to work with students who may miss class on the days surrounding particular holidays because of the time needed for travel. Religious holidays are noted on the website of the Office of Religious and Spiritual Life. *[81-1, Rev. 1990, 1992, 06-33, 2014,* 18-47, Board, May 18, 2019, 2023]

7.5.7 No fifty-minute or longer examinations are to be administered during the fourteenth week of each semester. [72-10, 95-6]

7.6 Grading

7.6.1 Letter grades are used to evaluate student achievement. These grades generally have the following meaning:

A = Excellent
B = Good
C = Satisfactory
D = Passing
F = Failure

Pluses and minuses, as indicated in Section 7.5.2, are used for dealing with variability within these broad categories. [March 2, 1965, 84-19]

*During the 2025-26 academic year, approximately 46.1% of the grades given at Lafayette were A's, 16.5% were A-'s, 10.5% were B+'s, 9.0% were B's, 4.8% were B-'s, 2.8% were C+'s, 2.8% were C's, 1.5% were C-'s, 0.7% were D+'s, 0.7% were D's, 0.4% were D-'s, 0.9% were F's, and 3.3% were "Other." [84-20] [Rev. 2026]

7.6.2 For purposes of calculating averages, a 4.0 scale is used with the letters representing the following values: A=4.0, A-=3.7, B+=3.3, B=3.0, B-=2.7, C+=2.3, C=2.0, C-=1.7, D+=1.3, D=1.0, D-=0.7, F=0.0. Grades of C-, D+, D, and D-, though passing, fall below the minimum grade point average required for graduation. The minimum average required for graduation is 2.00 for all work taken by the student and for courses in their major department/program. Students achieving a 3.60 term average or higher in at least three graded courses and with no pending incompletes are eligible for the Dean's List for the following semester. Those who graduate with high cumulative averages based upon four years' work are awarded their degrees summa cum laude (a cumulative average of 3.85 or higher), magna cum laude (3.75), or cum laude (3.65). Course grades are reported to the Registrar on line or on forms provided by the Registrar's Office. [March 2, 1965, May 1, 1968, 77-9, Rev. 1994, 96-17, Rev. 1998, 1999, 2002, 06-13, 2009]

7.6.3 The grade recorded for all departmental/program internship courses will be "Credit" or "No Credit." A formal evaluation, including the evaluation submitted by the field supervisor, will be placed in the student's file as an explanatory accompaniment to the "Credit" or "No Credit" grade.

A department/program that desires to use the regular letter grade system for a course involving substantial “internship type” activity can do so under a “regular” course number (with, of course, the Educational Policy Committee approval). [85-27, 2024, 23-35]

7.6.4 According to Faculty policy, the grade of INCOMPLETE may be used to indicate that the course work is passing but incomplete for reasons excusable by the instructor and the respective Class Dean in the Office of Advising and Co-Curricular Programs. Normally, an INCOMPLETE must be made up no later than the end of the second week of the following semester. The instructor may specify a longer period of time after consultation with the Class Dean, but all work must be completed and a grade assigned no later than the first day of classes of the second semester of attendance subsequent to the INCOMPLETE. If the instructor specifies a period longer than two weeks, the reason for the longer period and the date established for the completion of the outstanding course work must be stated in writing to the student with copies to the student’s adviser, to the Class Dean, and to the Registrar. Unless the course work is completed and a grade assigned by the faculty member by the end of the specified period, the Registrar will replace the INCOMPLETE with an F. A student with more than two INCOMPLETES pending will not be permitted to begin a new academic year. [Oct. 2, 1951, April 5, 1955, 86-9, Rev. 1989, 1995, 1998, 2005, 06-33, 2014, 2023]

7.6.5 A junior or senior in good standing whose cumulative average is 2.0 or higher may in each semester take one course on a pass/fail basis, but in no case may a student take more than four pass/fail courses toward degree requirements. A pass/fail course must be outside the major or minor field of concentration and outside related courses as defined by the major department/program, and the pass/fail option may not be used for courses that are to be used toward satisfaction of the requirements for the Common Course of Study. Courses which are considered introductory in any field or which are designed specifically as exploratory courses for non-majors may not be taken for pass/fail credit. [May 31, 1966, 72-13, Rev. 1987, 90-31, 1995, 1997, 1999, 11-14, 16-22]

7.6.5.1 A student who wishes to take a course on a pass/fail basis must present to the Student Affairs Committee a petition, endorsed by the student’s adviser and the major Department Head/Program Chair, containing a statement explaining why it is appropriate for the student to schedule that particular course pass/fail. [May 31, 1966, 73-2, Rev. 1987; Rev. 23-26]

7.6.5.2 Students must obtain the permission of the Student Affairs Committee before enrolling in a course on a pass/fail basis. They must meet all the regularly stated prerequisites for admission to the course and must satisfy all course requirements, such as attendance, assigned work, and examinations. [May 31, 1966, Rev. 1987, 16-22, 23-26]

7.6.5.3 The petition to the Student Affairs Committee must be submitted within but not after the first two weeks of classes. When the petition is submitted, the student may indicate the minimum grade that they would accept in lieu of a “P” on the transcript. The instructor, who has not been informed which members of the class are under the option, will assign a regular letter grade at the conclusion of the course. If the grade received is at or above the minimum, it will be noted on the transcript and included in the calculation of the student’s cumulative average. If the grade awarded is below the minimum acceptable grade, it will be awarded as a “P” and it will not be included in the calculation of the student’s cumulative average. However, a failing grade (regardless of the student’s choice of a “P” or a grade) received under this plan will be included in the student’s cumulative average. If a student drops a course with the pass/fail option after the term has begun, they may not transfer the option to another course during the term. [May 31, 1966, 75-2, 16-22, 23-36]

7.6.6 To speed the process of academic evaluation at the close of each semester, faculty members must report course grades to the Registrar within two days after the end of the examination period.

7.6.7 Grades D+ through F, signifying unsatisfactory progress, are reported at mid-term for purposes of evaluation; they are not part of the permanent record.

7.7 Departmental Honors and Honors in Interdisciplinary Major Program

Departmental honors and honors in interdisciplinary major programs are awarded for outstanding performance in writing a senior thesis or in conducting senior research. Departments and interdisciplinary majors that have honors programs offer a sequence of two courses titled “Senior Thesis” or “Senior Research.” [84-18, 99-26]

7.7.1 Students who hope to become candidates for department/program honors must register for the two courses in thesis or research beginning the first semester of their senior year or, with the permission of the Student Affairs Committee, the second semester of their junior year. Their work in these courses will be supervised by a faculty member and will be graded in the usual way. [84-18, 92-17, 99-26, 23-35]

7.7.2 Candidates for honors must normally have and maintain cumulative (grade point) averages of 3.00 and averages of 3.20 in the honors department/program and must fulfill such other requirements as may be established by the department/program with the approval of the Student Affairs Committee. If a faculty member believes a student to be capable of pursuing an honors designation but the student’s GPA falls below the minimum GPA required by the College or department/program, the student may submit two letters of recommendation supporting the project to be approved by the Student Affairs Committee by April 1st of the student’s junior year. One of those letters must be from the proposed thesis adviser and the other from the Department Head/Program Chair. Smaller programs may ask their advisory committee members to write a letter on a student’s behalf. [84-18, 99-26, 17-30, 23-35]

7.7.3 Students whose first semester work in the thesis or research course is of high quality and awarded a grade of A may be nominated by their supervisors as candidates for honors. Nominations must be submitted to the Student Affairs Committee before the end of the second full week of classes in the second semester of thesis or research work. Students who wish to do honors in departments/programs other than their major department/program must separately petition the Committee for permission to do so; this petition must be submitted to the Committee by the end of the final week of classes in the first semester of thesis or research. Such students must have taken at least five courses, exclusive of thesis or research in the honors department/program, three of which must be at or above the 200 level. [84-18, 99-26, 23-36]

7.7.4 A student who is interested in working on an interdisciplinary topic may do so through a joint honors thesis in two departments/programs. Such a student must: [93-11, 99-26]

a. maintain a cumulative average of at least 3.20 in each of these departments/programs; [93-11, 99-26]

b. be jointly advised and supervised by two faculty members (members of the departments/programs in which the joint honors is pursued); [93-11, 2000]

c. receive the endorsement of the two respective Department Heads/Program Chairs. [93-11, 2000]

d. A student will receive a total of two course credits for the joint thesis. [93-11, 99-26]

7.7.5 Honors candidates must submit completed thesis or research reports to their thesis supervisor two weeks before the end of classes in the second semester. Each thesis or research report shall be judged by a committee composed of the supervisor, at least one other member of the honors department/program, and one person from outside the honors department/program or

from outside the College if that is feasible. Unanimous approval of committee members is required for honors to be awarded. [84-18, 99-26]

7.7.6 Only persons whose thesis or reports show outstanding performance shall be awarded honors. The work which justifies the award of honors must receive the grade of "A." Other work will result in the course being converted to Independent Study and shall receive the grade that it merits in the judgment of the thesis supervisor. [84-18, 99-26]

7.7.7 The transcripts of students who receive honors shall bear the legend "Honors in (department/program name) with Thesis." [84-18, 99-26, 2005]

7.8 Statute of Limitations on Student Academic Work

All graduation requirements shall normally be met in a time period not to exceed six years following admission to junior status. In the case of hardship, a petition for one additional year may be submitted to the Student Affairs Committee after consultation with the respective Class Dean in the Office of Advising and Co-Curricular Programs (full and part-time students) and the Department Head/Program Chair of the major or the major adviser. Ordinarily, no extensions will be granted beyond the seventh year. [90-42, Rev. 1999, 06-33, 2014, 2023, 23-36]

7.8.1 In order to meet expectations of appropriate and current preparation for upper level work within the major program, a time period not to exceed five years shall be permitted between the completion of a prerequisite course (including transfer credit) and the initiation of the required course for which it is specified. Students who wish to appeal this rule may petition to the Student Affairs Committee after having consulted with their major departments/programs. [90-42, 23-36]

7.8.2 If a part-time student fails to maintain minimum progress, defined as two courses in the curriculum successfully completed in a twelve-month period, the student's progress will be reviewed by the Student Affairs Committee, which may then recommend to the respective Class Dean in the Office of Advising and Co-Curricular Programs that the student be required to withdraw. Re-admission to the College's academic program is not automatic and will depend on evidence that a student will be able to make reasonable progress in subsequent work. If a part-time student withdraws from the academic program for any reason (academic or personal), they must meet with the Registrar or Associate Director of Admissions and their Department Head/Program Chair or program adviser prior to re-admission. They will make a recommendation to the respective Class Dean in the Office of Advising and Co-Curricular Programs concerning re-admission. [90-42, Rev. 1999, 06-33, 2014, 2023, 23-36]

7.8.3 In cases where a student must repeat a passing course which was taken previously beyond the five-year statutory limit, both courses would appear on the permanent record but only the credit and grade for the second course would be included in the cumulative grade point average. For the second course, there would be a footnote: "Repeat course as required by major department/program due to statute of limitations on original course." Only the second course would apply toward the prescribed course under the student's major degree program. [90-42]

7.9 Commencement

Normally only those seniors who have fully satisfied degree requirements and are approved for graduation may participate in Commencement Exercises. [Nov. 4, 1958]

7.9.1 Candidates who have not completed their degree requirements may petition to participate by exception if they have at least a cumulative GPA of 2.0, a major GPA of 2.0, and have two or fewer credits remaining to meet the requirements for graduation. [Rev. May 18, 2023 by the Faculty]

7.9.2 For this exception, participation is defined as processing in the order of march and having the name read, but the name will not be included in the Commencement program. Under no circumstances should participation by exception be construed as a student having completed their degree requirements for graduation from the College. [Rev. May 18, 2023 by the Faculty]

APPENDICES

Appendix A	**Academic Freedom**	**118**
Appendix B	**Policy on Equal Opportunity, Harassment, and Non-Discrimination**	**119**
Appendix C	**Diversity and Inclusiveness Statement**	**185**
Appendix D	**Policy on Equal Employment Opportunity; Faculty Policy on Professional and Academic Rights; Faculty Grievance and Equal Employment Opportunity Grievance Procedures**	**186**
Appendix E	**Intellectual Property Policy and Procedures**	**191**
Appendix F	**Copyright Information**	**196**
Appendix G	**College Housing Program Policies and Procedures**	**198**
Appendix H	**Statement of Governance [Student]**	**200**
Appendix I	**The Preparation of Written Work**	**202**
Appendix J	**English Competency**	**204**
Appendix K	**Policy on Student Records and the Family Educational Rights and Privacy Act (FERPA)**	**205**
Appendix L	**Policy Statements Found in the *Student Handbook***	**211**
Appendix M	**Interdisciplinary Appointment Policies and Procedures**	**212**
Appendix N	**Lafayette College Research Integrity Policy**	**217**
Appendix O	**Institutional Animal Care and Use Guidelines**	**232**
Appendix P	**Institutional Repository of Faculty Scholarly Articles**	**236**
Appendix Q	**Information Technology: Statement of Confidentiality, Privacy, and Security**	**237**
Appendix R	**Preferential Voting**	**239**
Appendix S	**Formal Procedure for a Case of Possible Dismissal, or of Possible Suspension, of a Faculty Member from the College for Misconduct other than that covered by either Appendix B or N**	**242**
Appendix T	**Process for Considering the College's Response to Matters of Grave Social or Moral Concern Raised by Members of the Lafayette Community**	**247**
Appendix U	**Conflict of Interest Policy for Lafayette College Faculty or Staff Members Undertaking Federally Funded Research**	**248**

Appendix V Recommended Practices for Departmental/Program and Institutional Interpretation of Student Evaluations 256

Appendix W Flow Chart of the Tenure Process 256

Appendix X Guidance for PTR and DRCs/PRCs for Setting Expectations and Assessing Faculty Performance During the COVID-19 Pandemic 261

APPENDIX A

ACADEMIC FREEDOM

Adopted by the Board of Trustees on January 8, 1960
Approved by the Faculty on April 4, 1967

A.1 The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of the teacher's other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

A.2 The teacher is entitled to freedom in the classroom in discussing their subject of expertise, but they should be careful not to engage in controversial matters which have no relation to the teacher's subject of expertise. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing.

A.3 The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, a teacher should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As a learned person and an educational officer, the teacher should remember that the public may judge the teaching profession and institution by the teacher's utterances. Hence, the teacher should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that their statements are not made as an institutional spokesperson.

APPENDIX B

LAFAYETTE COLLEGE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NON-DISCRIMINATION

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL
USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED THROUGH A LIMITED LICENSE TO LAFAYETTE COLLEGE.
ALL OTHER RIGHTS RESERVED.
©2020. ATIXA

Adopted by the Faculty on December 3, 1996 [96-5]
Approved by the Board of Trustees on February 1, 1997
[Rev. 03-24], Adopted by the Faculty on April 6, May, 4, and May 20, 2004
Approved by the Board of Trustees on October 2, 2004
[Rev. 06-5]
[Rev. 14-11], Adopted by the Faculty on November, 2014
Approved by the Board of Trustees on January 31, 2015
[Rev. 16-15], Adopted by the Faculty on December 6, 2016
Approved by the Board of Trustees in January 2017
[Rev. 16-15], Adopted by the Faculty on December 6, 2016
Approved by the Board of Trustees in January 2017
[Rev. 18-66], Adopted by the Faculty on May 23, 2019
Approved by the Board of Trustees on September 28, 2019
[Rev. 19-3], Adopted by the Faculty on September 24, 2019
Approved by the Board of Trustees on September 28, 2019
Ratified by the Faculty on December 3, 2019 [19-4]
[Rev. 20-43] Adopted by the Faculty on April 13, 2021
Approved by the Board of Trustees on May 14, 2021

1. DEFINITIONS

Adviser: A person chosen by a party or appointed by the college to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination, or questioning, for the party at the hearing, if any.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Complaint (formal)*:* A document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the college investigate the allegation.

Confidential Resource*:* An employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

Day: A business day when the College is in normal operation.

Directly Related Evidence: Evidence connected to the complaint, but is neither inculpatory (tending to prove a violation) or exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.

Education program or activity: Locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.

Final Determination: A conclusion by the preponderance of evidence (standard of proof) that the alleged conduct did or did not violate policy.

Finding: A conclusion by the preponderance of evidence that the conduct did or did not occur as alleged (as in a "finding of fact").

Formal Grievance Process: "Process A," a method of formal resolution designated by the college to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX Regulations 34 CFR 106.45.

Grievance Process Pool: Includes any investigators, hearing officers, appeal officers, and advisers who may perform any or all of these roles (though not at the same time or with respect to the same case).

Hearing Decision Panel (Decision-Makers): Refers to those who have decision-making and/or sanctioning authority within the College's Formal Grievance process.

Investigator: The person or persons charged by the College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Mandated Reporter: An employee of the College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator or a Deputy Coordinator. Refer to Sections 7 and 19 for more detailed information about Mandated Reporting.

Notice: Means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Official with Authority (OWA): An employee of the College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.

Parties: Include the Complainant(s) and Respondent(s), collectively.

Process A: The Formal Grievance Process defined above.

Process B: The administrative resolution procedures that apply only when Process A does not, as determined by the Title IX Coordinator.

Recipient: A postsecondary education program that is a recipient of federal funding, referred to as the "College" throughout this document.

Relevant Evidence: Evidence that tends to prove or disprove an issue in the complaint.

Remedies: Post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution: The result of an informal or Formal Grievance Process.
Sanction: A consequence imposed by the College on a Respondent who is found to have violated this policy.

Sexual Harassment: The umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 17. b., for greater detail.

Third-Party Reporter: An individual reporting to the College an incident of sexual harassment that happened to someone else.

Title IX Coordinator: At least one official designated by the College to ensure compliance with Title IX and the College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

Title IX Team: Refers to the Title IX Coordinator and deputy coordinators.

2. STATEMENT OF PURPOSE

Lafayette College is committed to providing a learning and working environment that emphasizes the dignity and worth of every member of its community. Sexual Harassment (which includes Quid Pro Quo Harassment, as well as Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined below) in any form or context is contrary to this principle. Sexual Harassment interferes with the expectation that all individuals at the College will learn and work in an environment that is free from discrimination, and it threatens the safety, well-being, educational experience, and career of students, faculty, and staff. It will not be tolerated in any form and is prohibited by this Policy on Equal Opportunity, Harassment, and Nondiscrimination (hereinafter, the "Policy").

Lafayette College is also committed to freedom of thought, discourse, and speech and the attainment of the highest quality of academic and educational pursuits. Consistent with the College's Policy on Academic Freedom (Faculty Handbook, Appendix A), this Policy is not meant to prohibit or inhibit educational content or discussions that include controversial or sensitive subject matters. In articulating this Policy, the College affirms its adherence to the principle of academic freedom as well as its commitment to providing a learning and working environment free of harassment and discrimination.

The College does not discriminate on the basis of sex or gender in any of its education programs and activities, and it does not tolerate discrimination or harassment on the basis of sex or gender. Sexual Harassment may also constitute a form of gender-based harassment. When reported conduct involves a potential violation of both this Policy and any other College policy, the procedures set forth in this Policy will apply.

The College will provide a prompt and equitable response to reports or notice it receives about Sexual Harassment with measures designed to stop the behavior, prevent its recurrence, and address adverse effects of such conduct in College-related programs or activities. Through processes that address both prevention and remedies, this Policy aims to maintain a campus environment that is free of harassment and discrimination.

This Policy also prohibits Retaliation against individuals for reporting Sexual Harassment or participating in the processes outlined in this Policy. The College will take disciplinary action against persons who retaliate or attempt such retaliation, even if the underlying allegations of prohibited conduct are not established by a preponderance of the evidence.

The College intends to maintain, consistent with this Policy: (1) Processes sensitive to both the Complainant and Respondent in responding to reports of Sexual Harassment, which consist of informing the parties of available resources including medical, counseling, and support services and available alternative remedies; (2) prompt and equitable processes and procedures for determining violations of this Policy which assure fairness to both the Complainant and Respondent; (3) College disciplinary sanctions for those who are found responsible for violating this Policy ; (4) individual and community remedies to address the effects of Sexual Harassment; and (5) an ongoing Presidential Oversight Committee to review and provide input on the College's prevention and education programs and contemplated changes to policies and/or procedures.

General Rule Prohibiting Sexual Harassment

Sexual Harassment are forms of discrimination that violate the standards of conduct expected of every member of the College community and are strictly prohibited. Sexual Harassment, in any form, will not be tolerated in any context or position whether it be between faculty and students, faculty and other faculty, coaches and athletes, supervisors and employees, staff and students, students and other students, workers and coworkers, or others. This general rule prohibiting Sexual Harassment applies equally regardless of the relative status or position of the individuals involved.

3. SCOPE

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from, or different treatment in, activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using the College's "Process A" or "Process B," as determined by the Title IX Coordinator.

When the Respondent is a member of the Lafayette community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Lafayette community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

4. THE COLLEGE'S TITLE IX COORDINATOR

The College's Director of Educational Equity serves as the Title IX Coordinator and oversees the College's compliance with this Policy, consistent with the Coordinator's oversight of Title IX and related provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA). The Title IX Coordinator has the primary responsibility for coordinating the College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

The Title IX Coordinator also oversees the College's centralized response to all reports of discrimination and harassment to ensure consistent implementation of this Policy and compliance with federal and state law.

The Title IX Coordinator may delegate responsibilities under this Policy to designated administrators. The Title IX Coordinator is available to address questions or provide additional clarity and guidance about College policy, procedures or available resources.

The College's Title IX Coordinator is:

Karen A. Salvemini
Director of Institutional Equity and Title IX Coordinator
006 Markle Hall
(610) 330-5649
salvemik@lafayette.edu

5. INDEPENDENCE AND CONFLICT-OF-INTEREST

The Title IX Coordinator manages the TIX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the College's President, Nicole Hurd. The President's Office is located in 316 Markle Hall and can be reached at (610) 330-5200. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the College's President, Nicole Hurd. The President's Office is located in 316 Markle Hall and can be reached at (610) 330-5200. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

6. ADMINISTRATIVE CONTACT INFORMATION

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Karen A. Salvemini
Director of Institutional Equity and Title IX Coordinator
006 Markle Hall
(610) 330-5649
salvemik@lafayette.edu
https://sash.lafayette.edu/

Title IX Team members include these Deputy Coordinators:

Lauren S. Anderson
Deputy Title IX Coordinator
Dean of the Faculty
Professor of Chemical and Biomolecular Engineering
219 Markle Hall
610-330-5965
andersol@lafayette.edu

Alison "Ali" Dougherty
Deputy Title IX Coordinator
Associate Vice President for Human Resources
12 Markle Hall
(610) 330-3172
dougheal@lafayette.edu

Terrence Haynes
Deputy Title IX Coordinator
Associate Director of Residence Life
114 Kirby House
(610) 330-5335
haynest@lafayette.edu

The College has determined that the TIX Coordinator and TIX Deputy Coordinators listed above are the Officials with Authority to address and correct harassment, discrimination, and/or retaliation.

In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the College:

The President, Provost, Vice Presidents, and Deans.

The College has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 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

Office for Civil Rights (OCR)
U.S. Department of Education
Philadelphia Office
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: (215) 656-8541
Fax: (215) 656-8605
Email: OCR.Philadelphia@ed.gov

For general information about Title IX, visit the Department of Education's website: U.S. DOE Sex Discrimination

For complaints involving employees: Equal Employment Opportunity Commission (EEOC)

7. REPORTS/NOTICE/ FORMAL COMPLAINTS OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION

Reports, Notice, and Formal Complaints of discrimination, harassment, and/or retaliation may be made using any of the options described below.

The College recognizes that deciding among these options can be difficult and is a personal decision. Complainants and witnesses are encouraged to seek assistance from resources and to explore all potential reporting and support options. In addition, it is important to understand the different responsibilities of Lafayette College employees. Employees may be designated as an Official With Authority, a Mandated Reporter, a Confidential Resource, or a Private Resource, as defined in this Policy. A Complainant who is unsure of a College employee's reporting obligations and ability to maintain confidentiality may ask about the employee's responsibilities, and an inquiry into an individual's reporting obligations will not, by itself, trigger an investigation.

REPORTING OPTIONS AND NOTICE TO THE COLLEGE

An individual may make a report to the Title IX Coordinator, an Official with Authority, a Mandated Reporter, and/or to law enforcement (the Department of Public Safety or Easton Police Department). An individual may pursue some or all of these options at the same time (e.g., one may simultaneously pursue a Sexual Harassment report under this Policy and a criminal complaint).

Reporting to the Title IX Coordinator, a Deputy Coordinator, or an Official with Authority.

Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed. In-person reports can be made during regular business hours. Appointments are encouraged.

The College strongly encourages all individuals to report a potential violation of this Policy directly to the Title IX Coordinator or to one of the Deputy Title IX Coordinators:

Karen A. Salvemini
Director of Institutional Equity and Title IX Coordinator
006 Markle Hall
(610) 330-5649
salvemik@lafayette.edu

Lauren S. Anderson
Deputy Title IX Coordinator
Dean of the Faculty
Professor of Chemical and Biomolecular Engineering
219 Markle Hall
610-330-5965
andersol@lafayette.edu

Alison “Ali” Dougherty
Deputy Title IX Coordinator
Associate Vice President for Human Resources
12 Markle Hall
(610) 330-3172
dougheal@lafayette.edu

Terrence Haynes
Deputy Title IX Coordinator
Associate Director of Residence Life
114 Kirby House
(610) 330-5335
haynest@lafayette.edu

Individuals may also report to the Title IX Coordinator through the online reporting tool located at http://sash.lafayette.edu, or by using the Universal Reporting form at http://onepard.lafayette.edu. The online reporting tool is only monitored during regular business hours and should not be used in emergencies or situations where an immediate response is required. In such situations call Public Safety at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency).

A report to the Title IX Coordinator or an Official With Authority constitutes Notice to the College and will trigger the College’s obligation to respond to an allegation of Sexual Harassment under Title IX.

Anonymous Reporting

Anyone can make an anonymous report to the Title IX Coordinator by going to https://sash.lafayette.edu/ and clicking on "Report Sexual Harassment", or by going to https://onepard.lafayette.edu and filling out the Universal Reporting Form. Based on the nature of the information submitted, the College's ability to respond to an anonymous report may be limited, particularly where the identity of a Complainant is not revealed. Because reporting carries no obligation to initiate a formal response, and as the College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

Reporting to Law Enforcement and Seeking Emergency Medical Assistance

Emergency medical assistance and campus safety/law enforcement assistance are available both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense.

A Complainant or Third-Party Reporter has the right to report, or decline to report, potential criminal conduct to law enforcement or campus authorities, and the College will assist a Complainant or Third-Party Reporter in contacting law enforcement at any time.

Under limited circumstances posing a threat to health or safety of any College community member, the College may independently notify law enforcement.

The Department of Public Safety is available 24 hours a day to receive reports. The Department of Public Safety may be reached at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency).

A report to law enforcement does not constitute Notice and does not trigger the College's obligation to respond to a report. In order to trigger the College's response obligation under Title IX, a report must be made to either the Title IX Coordinator or another Official With Authority.

Reporting to Mandated Reporters at the College

Lafayette College has designated all employees— including **faculty, visiting faculty, full and part-time administrators, and staff**—as Mandated Reporters. The only exceptions are Confidential and Private Resources, as defined below, and most student employees. Note that Resident Advisors are the only category of student employees designated as Mandated Reporters.

For more information about Mandated Reporters visit http://sash.lafayette.edu.

Any time a Mandated Reporter is told or becomes aware of any information related to alleged harassment or discrimination, the Mandated Reporter must promptly share all relevant information about the reported incident with the Title IX Coordinator or a Deputy Title IX Coordinator. The Mandated Reporter is only responsible for sharing what was disclosed and will not attempt to investigate the allegations. To the extent possible, information reported to a Mandated Reporter will be shared only with people responsible for handling the College's response to the report.

A Mandated Reporter's receipt of information will not automatically trigger an obligation to respond to an allegation of Sexual Harassment under Title IX. Only a report to the Title IX Coordinator or an Official with Authority will trigger the College's obligation to respond to an allegation of Sexual Harassment under Title IX.

FORMAL COMPLAINTS

A **Formal Complaint** is a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the College investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document submitted or filed by a Complainant" means a document or

electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the College investigate the allegations.

A **Formal Complaint** is necessary to start a grievance process, which is different than a report that requires a response. If a report is submitted to the Title IX Coordinator in a form that does not constitute a Formal Complaint, the Title IX Coordinator will contact the Complainant to confirm whether the Complainant desires to file a Formal Complaint and, if they do, ensure that it is filed correctly.

8. SUPPORTIVE MEASURES

The College will offer and implement appropriate and reasonable supportive measures upon Notice of alleged harassment, discrimination, and/or retaliation. Supportive measures may be available to the Complainant regardless of whether the Complainant signs a formal complaint and pursues an investigation and grievance process, or pursues the informal resolution process.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Complainant upon receiving Notice. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Supportive Measures may also be requested by and made available to Respondents, witnesses, and other impacted members of the College community.

The Title IX Coordinator will ultimately serve as the point of contact for any individual requesting Supportive Measures.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic/occupational impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s), and assistance navigating off-campus housing concerns
- Altering work arrangements for employees or student-employees
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Class schedule modifications, withdrawals, or leaves of absence
- Safety planning to include: providing campus safety escorts, or other transportation accommodations; and increased security and monitoring of certain areas of the campus
- Implementing contact limitations (no contact orders) between the parties

- Assistance with No Trespass Letters, or referral to resources which can assist in obtaining a protective order under Pennsylvania law
- Timely warnings
- Any other actions deemed appropriate by the Title IX Coordinator

The Title IX Coordinator is available to meet with a Complainant or Respondent to address any concerns about the provision of supportive measures. In the event of an immediate health or safety concern, individuals should contact 911 or the Department of Public Safety immediately. The College will take immediate action to enforce a previously implemented measure, and disciplinary penalties can be imposed for failing to abide by a College-imposed supportive measure. Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

9. EMERGENCY REMOVAL

The College can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Threat Assessment Group using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator and Vice President for Student Life prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. [Rev. 2023]

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 24 hours of notice, objections to the emergency removal will be deemed waived. A Complainant and their Adviser may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Adviser of their choice when meeting with the Title IX Coordinator and appropriate college official for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator, in consultation with the appropriate college official, has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, in consultation with the appropriate college official, these actions could include, but are not limited to: removing a student from a residence hall, temporarily reassigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator and appropriate college official, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

10. PROMPTNESS

All allegations are acted upon promptly by the College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in college procedures will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. PRIVACY

Every effort is made by the College to preserve the privacy of reports. The College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The College reserves the right to determine which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to the TIX Team. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

For purposes of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information.

Confidentiality, Privacy, and Mandated Reporting are addressed more specifically below in **19. Reporting; a. Confidential Resources; b. Private Resources.**

12. JURISDICTION OF THE COLLEGE

This policy applies to the education program and activities of the College, to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, or in buildings owned or controlled by the College's recognized student organizations. The Respondent must be a member of Lafayette's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to the College's educational program. The college may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial college interest.

Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial college interest includes:

a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or

d. Any situation that is detrimental to the educational interests or mission of the College.

If the Respondent is unknown or is not a member of the Lafayette community, the Title IX Coordinator, or designee, will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the College's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events.

All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers, or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator, or designee, can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator, or designee, may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

13. TIME LIMITS ON REPORTING

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Complainants are encouraged to report any violation of this Policy as soon as possible in order to maximize the College's ability to respond promptly and effectively.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, in consultation with the

appropriate college official, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

14. ONLINE HARASSMENT AND MISCONDUCT

The policies of the College are written and interpreted broadly to include online and digital manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities or use College networks, technology, or equipment.

Although the College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute, intimate images, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Lafayette community.

15. POLICY ON NON-DISCRIMINATION

Lafayette College adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education.

Lafayette College does not discriminate on the basis of race, color, national or ethnic origin, disability, religion, age, military or veteran status, sex, sexual orientation, gender identity or expression, marital or familial status, pregnancy, genetic information, or any other characteristic protected by law in its educational programs and activities, admissions, or employment as required by Title IX of the Educational Amendments of 1972 (which requires that the College not discriminate on the basis of sex); the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 (which requires that the College not discriminate on the basis of disability); Title VI of the Civil Rights Act of 1964 (which requires that the College not discriminate on the basis of race, color, or national origin); and Title VII of the Civil Rights Act of 1964 (which requires that the College not discriminate in employment on the basis of race, color, religion, sex, or national origin); and other applicable laws and College policies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the College community whose acts deny, deprive, or limit the educational or employment, or residential or social, access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the College policy on nondiscrimination.

When brought to the attention of the College, any such discrimination will be promptly and fairly addressed and remedied by the College according to the appropriate grievance process described below.

16. POLICY ON DISABILITY DISCRIMINATION AND ACCOMMODATION

Lafayette College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Director of Educational Equity is responsible for overseeing efforts to comply with ADA/504 disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures below.

a. Students with Disabilities

The College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Academic Resource Hub for Accessibility Services, who coordinates services for students with disabilities.

The Academic Resource Hub for Accessibility Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with the College's applicable policies.

b. Employees with Disabilities

Pursuant to the ADA, the College will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the College.

An employee with a disability is responsible for submitting a request for an accommodation to the Office of Human Resources and providing necessary documentation. The Office of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with the College's applicable policies.

17. POLICY ON DISCRIMINATORY HARASSMENT

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. The College's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under College policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of College policy, though supportive measures will be offered to those impacted. All policies encompass actual and/or attempted offenses.

a. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by College policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

The College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. The College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, the College may also impose sanctions on the Respondent through application of the appropriate grievance process below.

The College reserves the right, to use the conduct process or other administrative process, to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct may result in the imposition of discipline under College policy, or it may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other informal resolution mechanisms.

For assistance with Alternative Resolution and other informal resolution techniques and approaches, employees should contact the Office of Human Resources, and students should contact the Office of Student Conduct.

b. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Pennsylvania regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

The College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender, or that is sexual, that satisfies one or more of the following:

- Quid Pro Quo:
    1. an employee of the college,
    2. conditions the provision of an aid, benefit, or service of the college,
    3. on an individual's participation in unwelcome sexual conduct.

- Sexual Harassment:
    1. unwelcome conduct,
    2. determined by a reasonable person,
    3. to be so severe, and
    4. pervasive, and,

5. objectively offensive,
6. that it effectively denies a person equal access to the College's education program or activity.

- Sexual Assault, defined as:

    1. Sex Offenses, Forcible:
        - Any sexual act directed against another person,
        - without the consent of the Complainant,
        - including instances in which the Complainant is incapable of giving consent.

    2. Rape:
        - Penetration,
        - no matter how slight,
        - of the vagina or anus with any body part or object, or
        - oral penetration by a sex organ of another person,
        - without the consent of the Complainant.

    3. Sodomy:
        - Oral or anal sexual intercourse with another person,
        - forcibly,
        - and/or against that person's will (non-consensually), or
        - not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age, per PA state law, or because of temporary or permanent mental or physical incapacity.

    4. Sexual Assault with an Object:
        - The use of an object or instrument to penetrate,
        - however slightly,
        - the genital or anal opening of the body of another person,
        - forcibly,
        - and/or against that person's will (non-consensually),
        - or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

    5. Fondling:

        - The touching of the private body parts of another person (buttocks, groin, breasts),
        - for the purpose of sexual gratification,
        - forcibly,
        - and/or against that person's will (non-consensually),
        - or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

    6. Sex Offenses, Non-forcible:

        - Incest:
            - Non-forcible sexual intercourse,
            - between persons who are related to each other,
            - within the degrees wherein marriage is prohibited by PA state law.

        - Statutory Rape:
            - Non-forcible sexual intercourse,

        - with a person who is under the statutory age of consent of 16

7. Dating Violence, defined as:
    - violence,
    - on the basis of sex,
    - committed by a person,
    - who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

        - The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
        - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
        - Dating violence does not include acts covered under the definition of domestic violence.

8. Domestic Violence, defined as:
    - violence,
    - on the basis of sex,
    - committed by a current or former spouse or intimate partner of the Complainant,
    - by a person with whom the Complainant shares a child in common, or
    - by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
    - by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or
    - by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- Stalking, defined as:
    - engaging in a course of conduct,
    - on the basis of sex,
    - directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.
    - For the purposes of this definition—

        - Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
        - Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
        - Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

c. Other Prohibited Conduct under this Policy

Prohibited Relationships between Supervisors and Non-Student Subordinates

Any person (a) who has power, either individually or collectively with others, to dispense or influence rewards or punishments regarding another person, (b) who evaluates the work performance of another person, or (c) to whom another person reports regarding work assignments, may not subject such other person to any unwelcome sexual conduct such as an unwelcome sexual advance or request for sexual favors, regardless of whether submission to such conduct is explicitly or implicitly made a basis for a decision affecting such person or whether such conduct creates a hostile environment.

If a consensual sexual and/or romantic relationship develops between a supervisor and a non-student subordinate, or between faculty in the same department or program, the more senior employee must not thereafter take part in any activity that involves evaluation of the other's work. Under such circumstances, the more senior employee shall disclose the existence of such a relationship to the Provost or the Vice President of Human Resources and the Title IX Coordinator as appropriate, who shall make alternative arrangements for the evaluative process.[24-23, Board May 23, 2025]

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy. More specific sanctions are defined within the Procedures.

d. Force, Coercion, Consent and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM (Bondage, Discipline/Dominance, Submission/Sadism, and Masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

e. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, the College additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed).
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography.
- Prostituting another person.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection.
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections.
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.
- Knowingly soliciting a minor for sexual activity.
- Engaging in sex trafficking.
- Creation, possession, or dissemination or child pornography.

- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- 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 Lafayette community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity as defined further in the Hazing Policy, Student Code of Conduct.
- Bullying, defined as:
    - Repeated and/or severe.
    - Aggressive behavior.

- Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally.

- That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

18. RETALIATION

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator, or Deputy Coordinator, and will be promptly investigated. The College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

The College and any member of Lafayette's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

No one may file a complaint pursuant to Process B for an improper purpose. This includes filing a complaint under Process B when the matter should be filed under Process A, and doing so for the purpose of interfering with or circumventing any right or privilege provided within Process A.

Intentionally filing a complaint pursuant to Process B in an attempt to avoid Process A is improper and may be considered retaliatory. The College will vet all complaints for this purpose, and to assure that complaints are tracked to the appropriate process. The Title IX Coordinator will ultimately determine the appropriate process and whether such behavior is considered retaliatory.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

19. REPORTING

Mandated Reporters are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator, or Deputy Coordinator, (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at the College for a Complainant or third-party (including parents/guardians when appropriate):

a. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

The Counseling Center
Bailey Health Center, 2nd Floor
(610) 330-5005
After hours crisis telephone support available.
Drop-in Consultation Clinic during the academic year:
Monday – Friday, 10:00 am – 11:30 am and 1:00 pm – 3:30 pm

Student Advocacy and Prevention Coordinator
Katy Bednarsky
204 Feather House
610-330-3331
Available during regular business hours. Appointments are encouraged.

College Chaplain
Rev. Alex Hendrickson
107 Farinon
(610) 330-5959
Available during regular business hours. Call to schedule an appointment.

Off-campus (non-employees)

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

Additional Resources
The College's website for Sexual Violence Prevention, Education, and Response (sash.lafayette.edu/) provides the most comprehensive and current list of available on- and off-campus resources and support services for Complainants and Respondents.

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors (and/or the Employee Assistance Program) are available to help free of charge and may be consulted on an emergency basis during normal business hours. For students, after-hours and weekend telephone crisis support is also available.

b. Private Resources

Some College employees, designated as Private Resources, while not meeting the definition of Confidential Resource, are able to talk to a Complainant without being required to disclose personally identifiable information about the Complainant or witnesses to the Title IX Coordinator.

Instead, in order to foster increased reporting and access to resources, these employees are only required to share a limited report to inform the Title IX Coordinator of the date, time, general location, and nature of the allegations. Because of the limited information that is shared, the Title IX Coordinator's ability to respond may be limited. In addition, unlike Confidential Resources, who have statutorily-protected legal confidentiality, records maintained by Private Resources may be subject to release by court order, search warrant, or subpoena.

The following is contact information for those who serve as the College's Private Resources:

Bailey Health Center (Medical)
607 High St.
(S.W. Corner of High & McCartney Sts.)
(610) 330-5001

PASA Adviser: The faculty or staff adviser of the student group Pards Against Sexual Assault (PASA) is designated a Private Resource when acting in the capacity of PASA Adviser.

c. Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the College's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

d. Mandated Reporters and Formal Notice/Complaints

Mandated Reporters must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Mandated Reporters must also promptly share <u>all</u> details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by Mandated Reporters, unless the Complainant clearly indicates that they desire a report to be made or seek a specific response from the College.

Supportive measures may be offered as the result of such disclosures without formal College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

20. WHEN A COMPLAINANT DOES NOT WISH TO PROCEED

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator’s decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged misconduct irrespective of a Complainant’s wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College’s ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When the College proceeds, the Complainant (or their Adviser) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Adviser may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer informal resolution options (included in the procedures), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

21. FEDERAL TIMELY WARNING OBLIGATIONS

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

22. FALSE ALLEGATIONS AND EVIDENCE

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under College policy.

23. AMNESTY FOR COMPLAINANTS AND WITNESSES

The Lafayette community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the

rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to Public Safety).

The College maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employees: Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

For spring 2021: The amnesty statement above also covers potential violations of the COVID addendum.

24. FEDERAL STATISTICAL REPORTING OBLIGATIONS

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
2. Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
3. VAWA (Violence Against Women Act)-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with Public Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student life/student conduct staff, public safety, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisers to student organizations, and any other official with significant responsibility for student and campus activities.

25. PRESERVATION OF EVIDENCE

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. The College will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at one of these locations, ideally within 120 hours of the incident (sooner is better):

    - Lehigh Valley Hospital – Muhlenberg
      484 Schoenersville Rd.
      Bethlehem, PA
      484-884-2521

- Lehigh Valley Hospital – Cedar Crest
  1200 South Cedar Crest Blvd.
  Allentown, PA
  610-402-8027
- Lehigh Valley Hospital – 17th Street
  17th and Chew St.
  Allentown, PA
  610-969-2226
- St. Luke's Hospital – Anderson Campus
  1872 St. Luke's Blvd.
  Easton, PA
  484-503-3000

2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.

3. Try not to urinate.

4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.

5. If clothes are changed, place each soiled item in a separate **paper bag** (plastic destroys evidence) -i.e. underpants in its own bag, shoes in their own bag, bra, tissues, bed sheet, pillow case etc., or secure evidence container, available from Public Safety.

6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence. The Bailey Health Center, located at 607 High St., (610) 330-5001, does provide medical care after a sexual assault, but does not provide SAFE exams.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

26. POLICY DISTRIBUTION AND REVIEW

This Policy will be widely distributed on campus to all students, faculty, and staff at the beginning of each academic year so that all community members are informed of College policies, procedures and resources. The most current version of this Policy can be found online at sash.lafayette.edu/.

The Title IX Coordinator and the Presidential Oversight Committee on Sexual Misconduct will review this Policy and related procedures on a periodic basis in order to capture evolving legal requirements, align with best practices, and improve the delivery of services.

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NON-DISCRIMINATION THAT MAY BE COVERED BY TITLE IX (KNOWN AS PROCESS "A")

1. Overview

Lafayette College will respond whenever it has actual notice of an alleged violation of the Policy on Equal Opportunity, Harassment, and Non-Discrimination ("the Policy"). The College will respond to allegations that constitute Title IX Sexual Harassment using the procedures outlined here, in Process A. All other allegations of harassment or discrimination based on a protected class that do not fall within Title IX Sexual Harassment will be referred to the procedures outlined in Process B. For conduct that does not fall under either of these policies, see the Faculty, staff, or student handbooks for adjudicatory procedures that may apply.

In appropriate circumstances, and with notice to the parties, these same procedures may be used to address collateral misconduct (e.g., vandalism, physical abuse of another).

While the Title IX Coordinator will most commonly oversee implementation of these procedures, Deputy Title IX Coordinators and/or other trained individuals may be designated to do so.

2. Notice/Formal Complaint

Upon receipt of a Formal Complaint or notice to the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the College needs to take. In doing so, the Title IX Coordinator must promptly contact the Complainant to discuss availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures, and explain to the Complainant the process for filing a Formal Complaint.

The Title IX Coordinator will initiate at least one of three responses:

1) Offering supportive measures only because the Complainant does not want to submit a Formal Complaint; and/or

2) An informal resolution upon submission of a Formal Complaint and where both parties consent to the informal resolution option in writing; and/or

3) A Formal Grievance Process including an investigation and a hearing, upon submission of a Formal Complaint.

The College uses the Formal Grievance Process to determine whether or not the Policy has been violated. If it is determined that there has been a violation, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

3. Initial Assessment

Following receipt of notice of an alleged violation of this Policy, the Title IX Coordinator[5] engages in an initial assessment, typically within five (5) business days. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response that is not punitive and does not involve the Respondent, an informal resolution option, or a formal investigation and grievance process.

[5] If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assess the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
- If an informal resolution option is preferred, the Title IX Coordinator advises the Complainant that they must file a Formal Complaint. Once that Formal Complaint is filed, the Title IX Coordinator assesses whether the Formal Complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and will determine if the Respondent is also willing to engage in informal resolution. Both the Respondent and Complainant must agree to the informal resolution, in writing.
- If a formal investigation and grievance process is preferred, the Title IX Coordinator assists the Complainant with the logistics of filing a Formal Complaint.
    - If the Complainant does not wish to file a Formal Complaint, the Title IX Coordinator determines whether to initiate a Formal Complaint without the Complainant's participation.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Adviser.
- If a Formal Grievance Process is preferred and a Formal Complaint has been filed, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
        - an incident, and/or
        - a pattern of alleged misconduct, and/or
        - a culture/climate issue, based on the nature of the Formal Complaint.
    - If it does not, the Title IX Coordinator will "dismiss" that aspect of the Formal Complaint, assess which other policies may apply, which resolution process is applicable, and, when appropriate, may refer the matter for resolution under Process B. Please note that dismissing a Formal Complaint under Title IX is solely a procedural requirement under Title IX, and does not limit the College's authority to address a Formal Complaint with an appropriate process and remedies.

Dismissal of Formal Complaints (Mandatory and Discretionary)[6]

The College must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in the Policy, even if proved; and/or
- The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College did not have control over the Respondent at the time the conduct occurred; and/or
- The conduct did not occur against a person in the United States; and/or
- At the time of submitting a Formal Complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the College.

[6] These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

The College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal of a Formal Complaint, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a Formal Complaint may later request to reinstate it or refile it.

4. Counterclaims

The College permits the filing of counterclaims, i.e., a Formal Complaint filed by a Respondent against a Complainant in response to the Complainant's initial Formal Complaint, but uses an initial assessment, described above, to assess whether the allegations in the counterclaim Formal Complaint are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

5. Right to an Adviser

The parties may each have an Adviser[7] of their choice present with them for all meetings, interviews, and hearings within the Formal Grievance Process, if they so choose.

a. Who Can Serve as an Adviser

The Adviser may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisers from inside or outside of the Lafayette College community.

The Title IX Coordinator will also offer to assign a trained Adviser for any party if the party so chooses. If the parties choose an Adviser from the Pool available from the College, the Adviser will be trained by the College and be familiar with the College's resolution process.

If the parties choose an Adviser from outside the Pool of those identified by the College, the Adviser may not have been trained by the College and may not be familiar with College policies and procedures.

Parties also have the right to choose not to have an Adviser in the initial stages of the resolution process, prior to a hearing. Both parties must have an Adviser at any hearing.

[7] This could include an attorney, advocate, or support person. The law permits one Adviser for each party (witnesses are not entitled to Advisers within the process, though they can be advised externally).

b. Adviser's Role in Meetings and Interviews

The parties may be accompanied by their Adviser in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisers should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The College cannot guarantee equal Advisory rights, meaning that if one party selects an Adviser who is an attorney, the College is not obligated to provide an attorney.

c. Advisers in Hearings/College-Appointed Adviser

Under U.S. Department of Education Title IX regulations, a form of indirect questioning is required during the hearing, and it must be conducted by the parties' Advisers. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Adviser for a hearing, the Title IX Coordinator or hearing administrator will appoint a trained Adviser for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Adviser, but they may not proceed at a hearing without an Adviser. Similarly, if the party's selected Adviser will not conduct questioning, the Title IX Coordinator or hearing administrator will appoint an Adviser who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Questioning of the parties and witnesses may also be conducted by the Decision-makers during the hearing.

d. Adviser Violations of College Policy

All Advisers are subject to the same Lafayette College policies and procedures, whether they are attorneys or not. Advisers are expected to advise their advisees without disrupting proceedings. Advisers should not address College officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Adviser may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigators or other Decision-makers except during a hearing proceeding, during cross-examination.

The parties are expected to respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Adviser generally may not speak on behalf of their advisee, the Adviser may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisers should ask for breaks to allow for private consultation.

Any Adviser who oversteps their role as defined by this Policy will be warned only once. If the Adviser continues to disrupt or otherwise fails to respect the limits of the Adviser role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine, in their sole discretion, how to address the Adviser's non-compliance and future role.

e. Pre-Interview Meetings

Advisers may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisers to clarify and understand their role and the College's policies and procedures.

f. Sharing Information with the Adviser

Title IX regulations require the College to share documentation and evidence related to the allegations with the Parties and their Advisers.

g. Privacy of Records Shared with Adviser

Advisers are expected to maintain the privacy of the records shared with them. The College may seek to restrict the role of any Adviser who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

h. Expectations of an Adviser

The College generally expects an Adviser to adjust their schedule to allow them to attend meetings when planned, but may change scheduled meetings to accommodate an Adviser's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Adviser who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

i. Expectations of the Parties with Respect to Advisers

A party may elect to change Advisers during the process and is not obligated to use the same Adviser throughout. The parties are expected to inform the Investigators, or Title IX Coordinator, of the identity of their Adviser at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisers at any time. Parties are expected to inform the hearing administrator of the identity of their hearing Adviser at least two (2) business days before the hearing.

j. Assistance in Securing an Adviser

In addition to those Advisers who may be offered by the College, Respondents may wish to contact organizations such as:

- FACE (facecampusequality.org) (http://www.facecampusequality.org/)
- SAVE (saveservices.org) (http://www.saveservices.org/)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (victimrights.org) (http://www.victimrights.org/)
- The National Center for Victims of Crime (http://www.victimsofcrime.org/), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund: nwlc.org/times-up-legal-defense-fund/

6. Resolution Processes

Once a Formal Complaint has been filed, there are two types of Resolution Processes – Informal Resolution or a Formal Grievance Process (see parts a. and b. below). Resolution can commence as Informal and if not resolved may be switched to Formal; conversely, resolution can commence as Formal and when appropriate, can be switched to Informal.

All resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with College policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution. The College encourages parties to discuss any sharing of information with their Advisers before doing so.

a. Informal Resolution

Informal Resolution can include three different approaches and must always include the written consent

of both parties:

- The Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation, pursuant to **Policy 8. Supportive Measures**; or
- The parties agree to resolve the matter through an Alternate Resolution mechanism as described below [including mediation, restorative practices, negotiated resolution, etc.], usually before a formal investigation takes place; see discussion **a.1)**, below; or
- The Respondent accepts responsibility for violating the Policy and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in **a.2)**, below.

To initiate Informal Resolution, a Complainant first needs to submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time before a final determination regarding responsibility is reached and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the Title IX Coordinator will provide the parties with written notice of the reported misconduct and any sanctions or measures that instead may result from participating in a Formal Grievance Process, including information regarding any records that will be maintained or shared by the College.

The Title IX Coordinator will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

Informal Resolution is not available as a means for resolving allegations that an employee sexually harassed a student.

a.1) Alternate Resolution

Alternate Resolution is a type of Informal Resolution which may include mediation, restorative practices, or negotiated resolution. At the end of Alternate Resolution, the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of Alternate Resolution. Alternate Resolutions are not appealable.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by

the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of Formal Complaints resolved by Alternate Resolution are not appealable.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy.

a.2) Respondent Accepts Responsibility for Alleged Violations

Another type of Informal Resolution is when the Respondent accepts responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution could be applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of this type of Informal Resolution. If the parties cannot agree on all terms of Informal Resolution, the Formal Grievance Process will be initiated, or will resume at the same point where it was paused.

b. Formal Grievance Process

The other method of resolution is through a Formal Grievance Process. This is a method of formal resolution designated by the College to address conduct that falls within the Policy, as defined by Title IX Regulations 34 CFR 106.30, and which complies with the requirements of the Title IX Regulations 34 CFR 106.45. See below for more information regarding the Formal Grievance Process. If both parties agree, and the Title IX Coordinator approves, the Formal Grievance Process may be paused and the Informal Resolution process may be commenced.

Resolution Timeline

The College will make a good faith effort to complete the Resolution Process within a sixty-to-ninety (60-90) business day time period, including appeal. This timeline can be extended as necessary for appropriate cause by the Title IX Coordinator or hearing administrator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

7. Formal Grievance Process Pool

The Formal Grievance Process is carried out by a pool of investigators, hearing officers, appeal officers, and advisers (“the Pool”). The Pool may include College employees and/or external members. Members of the Pool may be announced in an annual distribution of this Policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

a. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to Formal Complaints
- To act as an Adviser to the parties

- To serve in a facilitation role in Informal Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

b. Pool Member Appointment

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality.

c. Pool Member Training

The Pool members receive annual training. This training may vary slightly based on Pool member roles and includes, but is not limited to:

- The scope of the College's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and/or hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and/or grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here: sash.lafayette.edu/.

8. Formal Grievance Process: Notice of Allegations (NOA), and Notice of Investigation and Allegations (NOIA)

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the allegations ("NOA"). If the matter is then moving forward (pursuant to Section 3 above, and if an Informal Resolution

has not been reached), the Title IX Coordinator will also provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Adviser to accompany them. The NOA and NOIA are also copied to the Complainant, who is to be given advance notice of when the NOA and NOIA will be delivered to the Respondent.

Both the NOA and the NOIA will include:

- A summary of all of allegations with sufficient detail, known at the time, including
  - The identity of the involved parties (if known),
  - The precise misconduct being alleged,
  - The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the Respondent is presumed not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about College policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Adviser of their choosing and suggestions for ways to identify an Adviser,
- A statement informing the parties that College policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the College's VAWA Brochure,
- For the NOIA, the name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official College records, or emailed to the parties' College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

10. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigators, and Decision-makers, may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigators and Decision-makers to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at

any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the alleged conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the College's President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation using the preponderance of the evidence standard.

11. Investigation Timeline

Investigations are completed expeditiously, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

12. Delays in the Investigation Process and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The Title IX Coordinator or hearing administrator will communicate in writing the anticipated duration of the delay and reason to the parties, and provide the parties with status updates if necessary. The College will promptly resume its investigation and Resolution Process as soon as feasible. During such a delay, the Title IX Coordinator will implement supportive measures as deemed appropriate.

College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

13. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. However, the ultimate burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College.

The Title IX Coordinator or Investigators typically take the following steps (not necessarily in this order):

- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose

- Provide each interviewed party and witness an opportunity to review and verify the Investigators' summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigators to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigators gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, the Investigators shall provide the parties (and their respective Advisers, if so desired by the parties) an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely on in reaching a determination. The parties shall have ten (10) business days to review the evidence and provide any written comments to the Investigators. Any party may elect to waive the full ten day review period.
- The Investigators may respond directly in writing to each party's submitted comments about the evidence, and/or to share those responses with all parties for additional written feedback.
- The Investigators will consider these comments from the parties and may incorporate relevant elements, if any, into the investigation report. At this state, the Investigators may also conduct additional investigation as warranted, gather any additional relevant evidence, and finalize the investigation report.
- The investigation report is then shared with all parties and their Advisers at least ten (10) business days prior to a hearing. The parties may comment on the final report in writing, and such comments will be appended to the report. At the hearing, a file of any directly related evidence that was not included in the report will be made available to the parties.

14. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) are encouraged to cooperate with and participate in the College's investigation and resolution process.

Individuals on campus who are deemed to be confidential resources – such as sexual assault counselors, pastoral counselors, mental health counselors – may not be compelled to participate in any campus proceeding, but they may participate if the student to whom they were providing confidential support first provides their written consent.

Interviews for parties and all potential witnesses may be conducted in-person or remotely, as determined by circumstances (e.g., study abroad, summer break, pandemics) and current practices. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

15. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigators elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording, and they may not make their own personal recording of the interview.

16. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

17. Referral for Hearing

Provided that the Formal Complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation – i.e., when the final investigation report is transmitted to the parties and the Decision-makers–unless all parties and the Decision-makers agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-makers from the Pool depending on whether the Respondent is a student, staff member, or faculty member.

18. Hearing Decision-maker Composition

The College will designate a three-member Decision-maker panel from the Pool, at the discretion of the Title IX Coordinator. One of the three members will be appointed as Chair by the Title IX Coordinator or hearing administrator.

The Decision-makers will not have had any previous involvement with the investigation. The Title IX Coordinator or hearing administrator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisers for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous roles in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

19. Evidentiary Considerations in the Hearing

Any evidence that the Decision-makers determine is relevant may be considered. The following evidence is generally not relevant and will not be considered by the decision-makers: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the hearing Decision-makers have discretion to consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process, and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-makers and the relevant administrators at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-makers, by majority, will render a determination based on the preponderance of the evidence; in other words, whether it is more likely than not that the Respondent violated the Policy as alleged.

20. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send written notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. When faculty or students are involved, the hearing will be scheduled so as to limit conflicts with their course schedule(s).
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least three (3) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair or Title IX Coordinator may reschedule the hearing.
- Notification that the parties may have the assistance of an Adviser of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Adviser, and one will be appointed. Each party must have an Adviser present. There are no exceptions.
- A copy of all the materials provided to the Decision-makers about the matter, unless they have been provided already.[8]
- An invitation to each party to submit to the Title IX Coordinator an impact statement pre-hearing

[8] The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

that the Decision-makers will review during any sanction determination.

- An invitation to contact the Academic Resource Hub for Accessibility Services (for students) or the Office of Human Resources (for employees) to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing. Parties should notify the Title IX Coordinator of any such requests.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 business day goal for resolution.

A student facing charges under this Policy is not in good standing to graduate.

21. Alternative Hearing Participation Options

Current practices provide for hearings to be conducted remotely. For live hearings, if a partyparty or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

22. Pre-Hearing Preparation

The Chair or hearing facilitator after any necessary consultation with the parties, Investigators and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigators or have offered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the presentation of witnesses and/or the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence or interview that new witness.

The parties will be given a list of the names of the Decision-makers at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than three days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-makers a list of the names of all parties, witnesses, and Advisers at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisers in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

23. Pre-Hearing Meetings

The parties and/or their Advisers may request a pre-hearing meeting with the Chair or hearing administrator to review the hearing procedures.

The pre-hearing meeting(s) will not be recorded.

24. Hearing Procedures

At the hearing, the Decision-makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Non-Discrimination.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisers to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-makers and the parties and the witnesses will then be excused.

25. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. At the discretion of the Title IX Coordinator, a Formal Complaint and a related Counterclaim may be considered jointly at the same hearing. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Title IX Coordinator may instead permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so.

26. The Order of the Hearing – Introductions and Explanation of Procedure

At the outset of a hearing, the Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of Decision-makers on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair and/or hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. As noted, the hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

27. Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-makers and the

parties (through their Advisers). The Investigator(s) may be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisers, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

28. Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-makers and then by the parties through their Advisers ("indirect questioning").

All questions are subject to a relevance determination by the Chair. The Adviser, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisers, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may ask advisers to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisers on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

29. Refusal to Submit to Cross-Examination (Indirect Questioning) and Inferences

The Decision-makers may consider statements made by parties or witnesses that are otherwise permitted by these procedures, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility. This means that the Decision-makers may consider statements made by the parties and witnesses during the investigation, emails, or text exchanges between the parties in any way relating to the alleged sexual harassment, and statements about the alleged sexual harassment that satisfy the rules of relevance, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. The Decision-makers may also consider police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the live hearing.

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-makers can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-makers may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions. At the same time, the Decision-makers shall give whatever weight they deem appropriate to such evidence.

If charges of policy violations other than Title IX sexual harassment are considered at the same hearing, the Decision-makers may consider all evidence they deem relevant, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Adviser of choice refuses to comply with the College's established rules of decorum for the hearing, the College may require the party to use a different Adviser. If a College-provided Adviser refuses to comply with the rules of decorum, the College may provide that party with a different Adviser to conduct cross-examination on behalf of that party.

30. Recording Hearings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-makers, the parties, their Advisers, and appropriate College administrators will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

31. Deliberation, Decision-making, and Standard of Proof

After the hearing is complete, the Decision-makers will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

If the Respondent is found responsible for a policy violation on one or more of the allegations, the Decision-makers will review the previously submitted impact statements and any pertinent conduct history for the Respondent and will determine the appropriate sanction(s) after consultation with other appropriate administrators (who shall also review the impact statements). For students, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Office of Student Conduct. For staff, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Office of Human Resources. For faculty, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Provost. The Decision-makers and the relevant administrators may – at their discretion – consider the impact statements, but they are not binding. The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies).

Once a determination and sanction has been decided, the Chair will then prepare a notice of outcome and deliver it to the Title IX Coordinator, stating the determination on both responsibility and sanctions, if any.

This notice of outcome must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

32. Written Determination Regarding Responsibility

Using the notice of outcome, the Title IX Coordinator will then work with the Chair to prepare a Written Determination Regarding Responsibility. The Title IX Coordinator will then share the Written Determination Regarding Responsibility with the parties and their Advisers within seven (7) business days of receiving the notice of outcome.

The Written Determination Regarding Responsibility will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or

emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Written Determination Regarding Responsibility will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Written Determination Regarding Responsibility will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and whether any remedies will be provided to the Complainant designed to ensure access to the College's educational or employment program or activity (the specific remedies, if any, that are being offered is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Written Determination Regarding Responsibility will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

33. Statement of the Rights of the Parties (see Appendix A)

34. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-makers

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by other internal processes or external authorities.

a. Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations, singly or in combination:

- *Formal Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any

institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the College. The College will include a transcript notation for the duration of suspension.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma*: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree:* The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

b. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation or review*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Assignment to new supervisor*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

35. Withdrawal or Resignation While Charges Pending

a. Students: Should either party decide not to participate, or advise that they no longer wish to participate in the Formal Grievance Process, the Process may proceed absent their participation. Should a student Respondent permanently withdraw from the College, the resolution process may end, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, in every circumstance the College will continue to address and remedy any systemic issues or

concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. It is possible that a student who withdraws or leaves while the process is pending may not be able to return to the College. They may also be barred from College property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to the College unless and until there has been an outcome and all sanctions, if any, have been satisfied.

b. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process may end, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

36. Appeals

Any party may file a request for appeal ("Request for Appeal"). It must be submitted in writing to the Title IX Coordinator within five (5) business days after that party receives the Notice of Dismissal of a Formal Complaint, or the Written Determination Regarding Responsibility.

A three-person Appeal panel chosen from the Pool will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. A voting Chair of the Appeal panel will be designated by the Title IX Coordinator.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This Review for Standing is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the specific Complainant or Respondent, that affected the outcome of the matter.
- A challenge to the severity of sanctions. Appeals by students based on severity of sanctions shall be determined by the Appeal Panel. Appeals by staff based on severity of sanctions shall be determined by the Office of Human Resources. Appeals by faculty based on severity of sanctions shall be determined pursuant to the procedure set forth in the *Faculty Handbook*.

If after a Review For Standing the grounds stated in the Request for Appeal do not meet the grounds in this Policy, that Request for Appeal will be denied by the Appeal Chair, and the parties and their Advisers will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, as determined by the Appeal Chair, then the Title IX Coordinator will notify the parties and their Advisers, and, when appropriate, the Investigators and/or the original Decision-makers. The other party(ies) and their Advisers, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-

maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Title IX Coordinator to all parties to submit a written statement in support of, or challenging, the outcome.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed via a Review for Standing to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigators and/or original Decision-makers, as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Panel will render a decision in no more than seven (7) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A written Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, if appropriate, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c. Appeal Considerations for the Appeal Decision-makers

- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing (or basis for dismissal of a Formal Complaint) and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-makers or Title IX Coordinator merely because they disagree with the decision to dismiss the Formal Complaint, and/or finding.
- The Appeal Chair/Decision-makers may consult with the Title IX Coordinator on questions of procedure, for clarification, if needed. Documentation of all such consultation will be maintained.
- If an appeal is denied, that decision is final and there are no further appeals.
- If an appeal is granted, and the Appeal Panel itself makes a change to the outcome or sanctions, that decision is final and there are no further appeals.
- If the Appeal Panel grants the appeal and remands the matter to either the original Decision-

makers or new Decision-makers to consider a discrete procedural or logistical issue (i.e., something that does not require a new hearing), on remand, the Decision-makers should consider that issue and either affirm or modify the initial decision on outcome and sanctions. In this circumstance, that is the end of the matter, and no additional appeal may be taken.

- If the Appeal Panel grants the appeal and remands the matter to the original Decision-makers or new Decision-makers and directs them to conduct a new hearing, a new hearing should be conducted. The results of that new hearing may be appealed.
- In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

37. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the College to the Respondent to ensure no effective denial of educational access.

The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the College's ability to provide these services.

38. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

39. Recordkeeping

The College will maintain for a period of at least seven years records of:

1. Each investigation pursuant to these procedures including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution or Formal Grievance Process. These training materials will be available on the sash.lafayette.edu/ website.
7. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
    - The basis for all conclusions that the response was not deliberately indifferent;
    - Any measures designed to restore or preserve equal access to the education program or activity; and
    - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will also maintain any and all records in accordance with state and federal laws.

40. Disabilities Accommodations in the Resolution Process

Lafayette College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's resolution process.

Anyone needing such accommodations or support should contact the Academic Resource Hub for Accessibility Services (for students) or the Office of Human Resources (for employees), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

41. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX, and will be reviewed and, if appropriate, updated annually by the Presidential Oversight Committee on Sexual Misconduct. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

The Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

Procedures in effect at the time the incident is reported will apply to resolution of incidents, regardless of when the incident occurred.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

The Policy and this Process A are effective August 14, 2020.

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED THROUGH A LIMITED LICENSE TO LAFAYETTE COLLEGE. ALL OTHER RIGHTS RESERVED.
©2020. ATIXA

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NON-DISCRIMINATION – NON-Title IX (known as Process "B")

PROCESS B

- Process B applies to allegations of harassment and discrimination, based on a protected class under the College's Non-Discrimination Policy, that do not fall within Process A.
- Process B also applies to allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking not covered by Title IX due to jurisdictional issues.
- If the conduct at issue is covered by Process A, Process A must be followed.

Lafayette College will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Non-Discrimination that is received by the Director of Educational Equity/Title IX Coordinator[9] or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy.

The procedures described below apply to all allegations of harassment or discrimination brought against students, staff, or faculty on the basis of the protected class status. For allegations made by or against a third-party, the College will respond properly and equitably, although these procedures may not apply.

The procedures apply to conduct occurring: on Lafayette College property; in the context of any College-related or sanctioned education program or activity, regardless of the location (including travel, research, or internship programs); through the use of College-owned or provided technology resources; or that otherwise creates a Hostile Environment on campus or in the context of any College-related or sanctioned education program or activity.

Allegations of harassment and discrimination are subject to procedures under Process B, the Student Code of Conduct, and other resolution processes at the discretion of appropriate administrators upon the initial assessment of a report as stated in the *Student*, *Employee* and *Faculty Handbooks.*

The procedures also apply to all other off campus conduct by a Lafayette student, consistent with the Student Code of Conduct.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

1. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of the College's Policy on Equal Opportunity, Harassment and Non-Discrimination, the Director of Educational Equity/Title IX Coordinator (or designee herein)[10] engages in an initial assessment, which typically occurs within five (5) business days. The steps in an initial assessment can include:

---

[9] All references herein to the Director of Educational Equity, refer to the Title IX Coordinator and also include a designee of the Title IX Coordinator.

[10] If circumstances require, the President or Director of Educational Equity will designate another person to oversee the process below should an allegation be made about the Director of Educational Equity or the Director be otherwise unavailable or unable to fulfill their duties.

- The Director of Educational Equity reaches out to the Complainant to offer supportive measures.
- The Director of Educational Equity works with the Complainant to ensure they have an Adviser.
- The Director of Educational Equity works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
    - If a supportive and remedial response is preferred, the Director of Educational Equity works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
    - If an Informal Resolution option is preferred, the Director of Educational Equity assesses whether the matter is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
    - If Administrative Resolution is preferred, the Director of Educational Equity initiates the investigation process and determines whether the scope of the investigation will address:
        - Incident, and/or
        - A potential pattern of misconduct, and/or
        - A culture/climate issue.

2. Next Steps After Initial Assessment

As noted, based on the initial assessment, the Director of Educational Equity will initiate one of two responses:

- Informal Resolution – typically used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by the Decision-makers, consisting of a three-member panel, herein referred to as the “Decision-makers”, and the opportunity to appeal to an Appeal Panel. The investigation and the subsequent Administrative Resolution determine whether the Policy has been violated. If so, the Director of Educational Equity will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The Director of Educational Equity will consider the preference of the parties as to whether Informal Resolution or Administrative Resolution will be followed, but the decision is within the discretion of the Director of Educational Equity. At any point during the initial assessment or investigation, if the Director of Educational Equity determines that reasonable cause does not support the conclusion that the Policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Director of Educational Equity review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Director of Educational Equity, but the request is usually only granted in extraordinary circumstances.

3. Resolution Process Pool

The resolution processes rely on a pool of officials (the “Pool”) to carry out the process. The Pool is described in Process A (#7).

4. Counterclaims

The College permits the filing of counterclaims, but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a

Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the resolution procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. A delay in the processing of counterclaims is permitted, accordingly.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Director of Educational Equity. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of the Policy.

5. Advisers

a. Expectations of an Adviser

The College generally expects an Adviser to adjust their schedule to allow them to attend College meetings when planned, but the College may change scheduled meetings to accommodate an Adviser's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Adviser who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisers are disruptive or who do not abide by College policies and procedures may face the loss of that Adviser and/or possible Policy violations.

Advisers are expected to consult with their advisees without disrupting College meetings or interviews. Advisers do not represent parties in the process; their role is only to advise.

b. Expectations of the Parties with Respect to Advisers

Each party may choose an Adviser[11] who is eligible and available[12] to accompany them throughout the process. The Adviser can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisers during the process and is not obligated to use the same Adviser throughout.

The parties are expected to inform the Investigators of the identity of their Adviser at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Director of Educational Equity if they change Advisers at any time.

Upon written request of a party, the College will copy the Adviser on all communications between the College and the party.

c. Assistance in Securing an Adviser

[11] This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisers within the process, though they can be advised externally. If the College allows more than one Adviser for one party, they should do so for all parties.

[12] "Available" means the party cannot insist on an Adviser who simply does not have inclination, time, or availability. Also, the Adviser cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

These resources are described in detail in Process A (#5, letter j).

6. Resolution Options

Proceedings are private. All persons present at any time during any resolution process are expected to maintain the privacy of the proceedings in accordance with College policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss this with their Advisers first before doing so.

a. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through (i.) Supportive Measures, a remedies-only approach initiated by the Director of Educational Equity, (ii.) Alternate Resolution [mediation, restorative practices, negotiated resolution, etc.], or (iii.) when the Respondent accepts responsibility for violating the Policy.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails, Administrative Resolution may then be pursued.

i. Supportive Measures, a remedies-only approach

With the Complainant's agreement, the Director of Educational Equity may resolve the matter informally by providing supportive measures (only) to remedy the situation, pursuant to the **Policy 8. Supportive Measures.**

ii. Alternate Resolution

Alternate Resolution is a type of Informal Resolution that includes mediation, restorative practices, or negotiated resolution. At the end of Alternate Resolution, the parties reach a mutually agreed upon resolution of an allegation. It may be used as an alternative to the Administrative Resolution process (described below) to resolve conflicts. All parties must consent to the use of Alternate Resolution. Alternate Resolutions are not appealable.

The Director of Educational Equity determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accept sanctions and/or appropriate remedies.

The Director of Educational Equity maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed, should the parties and the Director of Educational Equity believe it could be beneficial. The results of Alternate Resolution are not appealable.

iii. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during any resolution process. If the Respondent accepts responsibility, the Director of Educational Equity makes a determination that the individual is in violation of College policy.

The Director of Educational Equity then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Director of Educational Equity or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. This result is not subject to appeal. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Director of Educational Equity has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

b. Administrative Resolution

Administrative Resolution is the more "formal" mechanism under Process B. It can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Non-Discrimination Policy. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Director of Educational Equity will provide written notification of the allegations and the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least two (2) business days in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Adviser, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Lafayette College aims to complete the Administrative Resolution process within a sixty to ninety (60-90) business day time period, which can be extended as necessary for appropriate cause by the Director of Educational Equity, with notice to the parties as appropriate. Some examples of appropriate cause might depend on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Once the decision is made to commence an investigation, the Director of Educational Equity appoints Pool members to conduct the investigation typically using a team of two Investigators, usually within two (2) days of determining that an investigation should proceed.

The Director of Educational Equity will vet the assigned Investigator(s) to ensure impartiality by determining that there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the Administrative Resolution process, raise a concern regarding any investigator's bias or conflict of interest, and the Director of Educational Equity will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Director of Educational Equity, concerns should be raised with the College's President.

The College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the College's resolution process are being investigated by law enforcement. The College will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, and obtaining available, relevant evidence, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

7. Investigation

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Director of Educational Equity), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Director of Educational Equity with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated College policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of an Adviser of their choosing present for all meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigators' summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary

- Allow each party the opportunity to suggest questions they wish the Investigators to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within five (5) business days and incorporate that response into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses
- Provide the final report to the Director of Educational Equity. The final report will make a recommendation to the Decision-makers on a determination, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred.

8. Additional Details of the Investigation Process

a. Witness responsibilities

Witnesses (as distinguished from the parties) are encouraged to cooperate with and participate in the College's investigation and resolution process.

Individuals on campus who are deemed to be confidential resources – such as sexual assault counselors, pastoral counselors, mental health counselors – may not be compelled to participate in any campus proceeding, but they may participate if the student to whom they were providing confidential support first provides their written consent.

b. Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigators or Decision-makers determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigators, though this approach is not ideal. Where remote technologies are used, the College makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

c. Recording

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigators elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

d. Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct.

e. Sexual history/patterns

Unless the Director of Educational Equity determines it is appropriate, the investigation and the finding do

not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though a limited exception may be made with regard to the sexual history between the parties); or (3) the character of the parties.

f. Previous allegations/violations

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigators may supply the Director of Educational Equity/Decision-makers with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s)/corrective measure(s).

9. Determination

Within five (5) business days of receiving the Investigators' recommendation, the Decision-makers from the Pool review the report and all responses. If the record is incomplete, the Decision-makers may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses to ask them questions directly, if needed. In addition, the parties and their advisers may be invited to meet with the Decision-makers for the purposes of cross examination, or "indirect questioning". The parties may submit to questioning by the Decision-makers and then by the parties through their Advisers ("indirect questioning"). The Decision-makers will vet all questions for relevance, and will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive.

The recommendation of the Investigators should be strongly considered but is not binding on the Decision-Makers, who make the final determination based on a preponderance of the evidence. The Decision-makers may invite and consider impact statements from the parties if and when determining appropriate sanction(s), or corrective measure(s), if any.

The Decision-makers will inform the Director of Educational Equity of the final determination, who will then timely provide the parties and their advisers with a written Notice of Outcome to include findings, any sanction(s)/corrective measure(s), and a detailed rationale, delivered simultaneously and without undue delay to the parties.

10. Notification of Outcome

If the Respondent admits to the violation(s), or is found responsible, the Director of Educational Equity/Decision-makers, after consultation with other appropriate administrators, determine sanction(s) and/or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community. For students, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Office of Student Conduct. For staff, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Office of Human Resources. For faculty, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Provost.

The Director of Educational Equity simultaneously, and without significant time delay, informs the parties of the determination within five (5) business days of the resolution. This Notification of Outcome is made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any

sanction(s)/corrective measure(s) that may result which the College is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

The notice will detail when the determination is considered final.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found below.

11. Sanctions/Corrective Measures

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Director of Educational Equity/Decision-makers

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

a. Student Sanctions

Sanctions that may be imposed upon students or student organizations, singly or in combination, are outlined in Process A (#34, letter a.)

b. Employee Sanctions/Responsive Actions

Sanctions or responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation are outlined in Process A (#34, letter b.)

12. Withdrawal or Resignation While Charges are Pending

a. Students: Should either party decide not to participate, or advise that they no longer wish to participate, in the Administrative Resolution process, the Director of Educational Equity may determine that the Process should proceed to resolution, absent their participation. Should a student Respondent permanently withdraw from the College, the resolution process may end, as the College no longer has disciplinary jurisdiction over the withdrawn student.

The College may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the resolution process to be completed. It is possible that a student who withdraws or leaves while the process is pending may not be able to return to the College. They may also be barred from College property and/or events.

b. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process may end, as the College no longer has disciplinary jurisdiction over the resigned

employee. However, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

13. Appeals

All requests for appeal consideration must be submitted in writing to the Director of Educational Equity within five (5) business days of the delivery of the written finding of the Decision-makers. Any party may appeal the findings only under the grounds described below.

A three-member Appeal panel chosen from the Pool will be designated by the Director of Educational Equity from those who have not been involved in the process previously. One member of the Appeal Panel will be designated as the Chair. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures)
- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The Director of Educational Equity, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the specific Complainant or Respondent, that affected the outcome of the matter.
- A challenge to the severity of sanctions. Appeals by students based on severity of sanctions shall be determined by the Appeal Panel. Appeals by staff based on severity of sanctions shall be determined by the Office of Human Resources. Appeals by faculty based on severity of sanctions shall be determined pursuant to the procedure set forth in the *Faculty Handbook*.

When any party requests an appeal, the Director of Educational Equity will share the appeal request with the other party(ies) or other appropriate persons such as the Investigators, original Decision-makers who may file a response within three (3) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each party. The Appeal Chair/Panel will review the appeal request(s) within five (5) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal Chair/Panel dismisses the appeal.

When the Appeal Chair/Panel finds that at least one of the grounds for appeal is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair/Panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Chair/Panel to substitute their judgment for that of the original Investigators or Decision-makers merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigators for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair/Panel.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately

unless the Director of Educational Equity stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
    - For students: Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within seven (7) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases when a procedural error cannot be cured by the original Investigators and/or Decision-makers (as in cases of bias), the Appeal Chair/Panel may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the four applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

14. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions/corrective measures implemented, the Director of Educational Equity may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Director of Educational Equity, long-term remedies may also be provided to the Complainant even if no policy violation is found. When no policy violation is found, the Director of Educational Equity will address any remedial requirements owed by the College to the Respondent.

15. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Director of Educational Equity.

16. Recordkeeping

In implementing this Policy, records of all allegations, investigations, resolutions, and hearings will be kept a minimum of seven (7) years, or indefinitely, or as required by state or federal law or institutional policy, by the Director of Educational Equity in the Title IX case database.

17. Statement of the Rights of the Parties (see Appendix A)

18. Disabilities Accommodation in the Resolution Process

Lafayette College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at the College. Anyone needing such accommodations or support should contact the Academic Resource Hub for Accessibility Services (for students) or the Office of Human Resources (for employees), who will review the request and, in consultation with the person requesting the accommodation, and the Director of Educational Equity, determine which accommodations are appropriate and necessary for full participation in the process.

19. Revision

These policies and procedures will be reviewed and updated annually by the Presidential Oversight Committee on Sexual Misconduct. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Director of Educational Equity may make modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Director of Educational Equity may also vary procedures materially with notice (on the SASH website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedure.

The policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

Procedures in effect at the time the incident is reported will apply to resolution of incidents, regardless of when the incident occurred.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and Process B were implemented on August 14, 2020.

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED THROUGH A LIMITED LICENSE TO LAFAYETTE COLLEGE. ALL OTHER RIGHTS RESERVED.
©2020. ATIXA

APPENDIX A: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all Formal Complaints of prohibited harassment or discrimination to College officials.

- Upon receipt of a Formal Complaint, the right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

- After a Formal Complaint has been filed, the right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.

- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.

- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by College authorities in notifying such authorities, if the party so chooses.

- The right to be informed of available interim actions and supportive measures such as counseling, advocacy, health care, legal, student financial aid, visa, and immigration assistance, or other services, both on campus and in the community.

- The right to request a No Contact Order.

- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such assistance is reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions to be considered may include, but are not limited to:
    - Relocating an on-campus student's housing to a different on-campus location
    - Assistance from College staff in completing the relocation
    - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
    - Transportation accommodations
    - Visa/immigration assistance
    - Arranging to dissolve a housing contract
    - Exam, paper, and/or assignment rescheduling or adjustment
    - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
    - Transferring class sections
    - Temporary withdrawal/leave of absence (may be retroactive)
    - Campus safety escorts
    - Alternative course completion options.

- The right to have the College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the College's ability to provide the supportive measures.

- The right to ask the Investigators and Decision-makers to identify and question relevant witnesses, including expert witnesses.

- The right to provide the Investigators/Decision-makers with a list of questions that, if deemed relevant by the Investigators/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained by the Investigators and to respond to that evidence before any final determination is made.
- The right to fair opportunity to provide the Investigators with their account of the alleged misconduct and have that account be on the record, and to provide the Investigators with evidence.
- The right to receive a copy of the investigation report, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to any hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report in writing.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to have reports of alleged policy violations addressed by Investigators, Title IX Coordinators, and Decision-makers who have received relevant annual training.
- The right to ask that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Adviser of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to be promptly informed of a Written Determination Regarding Responsibility letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision, delivered simultaneously (without undue delay) to the parties.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

APPENDIX C

DIVERSITY AND INCLUSIVENESS STATEMENT

Adopted by the Faculty on April 7, 2009 [08-21]
Approved by the Board of Trustees on May 22, 2009

Lafayette College is committed to creating a diverse community: one that is inclusive and responsive, and is supportive of each and all of its faculty, students, and staff. The College seeks to promote diversity in its many manifestations. These include but are not limited to race, ethnicity, socioeconomic status, gender identity and expression, sexual orientation, religion, disability, and place of origin. [Rev. 12-03, Board, Oct. 20, 2012]

The College recognizes that we live in an increasingly interconnected, globalized world, and that students benefit from learning in educational and social contexts, in which there are participants from all manner of backgrounds. The goal is to encourage students to consider diverse experiences and perspectives throughout their lives. All members of the College community share a responsibility for creating, maintaining, and developing a learning environment in which difference is valued, equity is sought, and inclusiveness is practiced.

It is a mission of the College to advance diversity as defined above. The College will continue to assess its progress in a timely manner in order to ensure that its diversity initiatives are effective.

APPENDIX D

POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

Approved by the Board of Trustees on April 16, 1983
Revision Approved by the Faculty on December 2, 1997 [97-10]
Revision Approved by the Board of Trustees on April 4, 1998, Revised 1999, 2012
Revised by the Faculty on October 2, 2012 [12-03] and by the Board of Trustees on October 20, 2012
Rev. 2023 per Provost at the request of the Executive Vice President for Finance and Administration

FACULTY POLICY ON PROFESSIONAL AND ACADEMIC RIGHTS

Adopted by the Faculty on March 3, 1992 [91-25]
Approved by the Board of Trustees on October 22, 1994, Revised 1999

FACULTY GRIEVANCE AND EQUAL EMPLOYMENT OPPORTUNITY GRIEVANCE PROCEDURES

Revised 1997 by the Governance Committee to Conform to Changes in Chapter IV
Revisions approved by the Faculty on December 2, 1997 [97-7] and by the Board of Trustees on January 31, 1998
Revised 1994, Revisions approved by the Board of Trustees on May 21, 1999
Revisions approved by the Faculty on May 2, 2000 [99-31] and by the Board of Trustees on May 19, 2000
Rev. 2023 per Provost at the request of the Executive Vice President for Finance and Administration

D.1 Policy on Equal Employment Opportunity

Lafayette College assures equal employment opportunity in all its personnel policies, which will be administered without regard to race, color, religion, sex, sexual orientation, gender identity and expression, national origin, age, or disability; and further that no employee shall be subjected to harassment by any other employee because of these factors. [Rev. 12-03, Board, Oct. 20, 2012]

The College affirms that fair employment practices must be adhered to in order to prevent discrimination and that where any adverse situation exists special efforts are required to eliminate it. The College is pledged to a determined effort in support of these beliefs and the policies outlined in this program.

All employees are responsible for giving this nondiscrimination policy full support through leadership and example. The duty of every employee is to create a work environment which is conducive to our policies on fair employment practices. The oversight of the Equal Opportunity Program has been assigned to the Executive Vice President for Finance and Administration, who will serve as the Equal Employment Opportunity Officer**.** [Rev. 2023]

The College affirms that diversity in the teaching staff and in the Administration is valuable. The College will work with and seek assistance from appropriate minority group agencies, educational institutions, and other appropriate entities to achieve this goal.

Although the College assures equal employment opportunity without regard to race, color, religion, sex, sexual orientation, gender identity and expression, national origin, age, or disability, it reserves the right to extend benefits only to employees, spouses of employees, legal dependents of employees, and same-sex domestic partners of employees. [Rev. 12-03, Board, Oct. 20, 2012]

An allegation that the College's EEO policy was violated in a reappointment, tenure, or promotion matter is governed by Section 4.5 of the *Faculty Handbook*. The policies and procedures in Appendix D may not be used in connection with any claim involving a tenure, promotion, or reappointment decision under appeal. [Rev. 1999, 11-9]

D.2 Faculty Policy on Professional and Academic Rights [Rev. 1999]

The Lafayette College Faculty Policy on Professional and Academic Rights governs allegations brought by any full-time, part-time, or visiting Officers of Instruction who believes that their rights as a professional academic, including but not limited to those rights normally associated with academic freedom, have been endangered, unjustifiably infringed, or violated.

An allegation that professional and academic rights were violated in a reappointment, tenure, or promotion matter is governed by Section 4.5 of the *Faculty Handbook*. [Rev. 1994, 11-9*]*

D.3 Faculty Grievance and Equal Employment Opportunity (EEO) Grievance Procedures [Rev. 1994, 1999, 99-31]

Except with respect to allegations in a reappointment, tenure, or promotion matter, which are governed by Section 4.5 of the *Faculty Handbook*, the Faculty Grievance and EEO Grievance Procedures govern allegations brought by any full-time, part-time, or visiting faculty member who believes that (1) their rights as a professional academic, including but not limited to those rights normally associated with academic freedom, have been endangered, unjustifiably infringed, or violated; (2) they have been the subject of mistreatment or discrimination based on race, color, religion, sex, sexual orientation, gender identity and expression, national origin, age, or disability. [97-7, Rev. 11-9, 12-03, Board, Oct. 20, 2012]

The purposes of the Faculty Grievance and EEO Grievance Procedures are to provide adequate means for resolving, in a prompt, fair, and collegial manner, misunderstandings or conflicts and, in so far as possible, to rectify any injustices that may have occurred. Pursuing the remedies described in this document shall not constitute a waiver of rights to pursue outside legal remedies.

Conceived to sustain collegiality and to maintain a high level of informality and flexibility, the Faculty Grievance and EEO Grievance Procedures are designed to provide intramural remedies at the lowest appropriate level of institutional complexity. Hence the policy provides both informal and formal procedures for considering complaints and settling disputes. An aggrieved faculty member (the person filing the grievance, henceforth the “Grievant”) who chooses to initiate a grievance is encouraged to opt first for the Informal Procedure. However, at any time during the course of the Informal Procedure, the Grievant may choose instead the Formal Procedure. A faculty member who wishes to initiate a grievance without recourse to the Informal Procedure has the right to do so. All communications occurring in these procedures and any resolution of a grievance will be held in confidence by all interested parties, including the Grievant.

The Faculty Grievance and EEO Grievance procedures may not be used to appeal a reappointment, tenure, or promotion decision. If a candidate has both an appeal (seeking reappointment, tenure, or promotion) and a grievance (seeking some other relief) pending before the Appeal and Grievance Committee, the grievance will be held in abeyance until the appeal has been decided. Such a grievance may not be used to reopen the appeal. [99-31]

D.3.1 <u>The Informal Procedure</u>

A faculty member following the Informal Procedure begins by selecting from the Appeal and Grievance Committee a member who will serve as their Ombudsperson. This Ombudsperson is empowered to hear a faculty member’s grievance informally and confidentially. Should the person selected to serve as Ombudsperson be a party to or possess evidence regarding the alleged discrimination or mistreatment, the Grievant will be instructed to select an alternative Ombudsperson from among the Appeal and Grievance Committee’s membership. The Ombudsperson will not serve as a member on any Formal Hearing Board constituted to hear the same grievance during the Formal Procedure.

A faculty member wishing to pursue a grievance informally will request, orally or in writing, a meeting with the Ombudsperson. After conferring (in person) with the Grievant, the Ombudsperson may advise the Grievant of the merits of the grievance and of any further action that might be taken. The Ombudsperson will not take any action or report further on the case without the written consent of the Grievant. With the written consent of the Grievant, the Ombudsperson may: (1) seek the advice or assistance of the Executive Vice President for Finance and Administration, who serves as EEO Officer; and/or (2) communicate, in a manner to which the Grievant agrees, with the interested parties in an attempt to provide an informal resolution which is acceptable to the Grievant and the Respondent (the person or persons against whom the alleged grievance was filed). The Ombudsperson will provide a written summary of the Ombudsperson's activities to both the Grievant and the Respondent. [99-31; Rev. 2023]

D.3.2 The Formal Procedure

The faculty member following the Formal Procedure begins by choosing either Step One, Two, or Three. The Respondent (the person or persons against whom the grievance was filed) will receive promptly a copy of the grievance from the recipient of the grievance, who will be either the Grievant's Department Head/Program Chair, the Provost, or the Chair of the Appeal and Grievance Committee. [99-31]

If the grievance is directed toward a policy of the College, the Grievant may proceed to either Step Two or Three.

D.3.2.1 Step One: Department/Program

The Grievant will deliver a written statement of the grievance to the Head of their department/program. With the consent of the Grievant, the Head may seek the assistance of the Executive Vice President for Finance and Administration. The Head should make every reasonable effort to resolve grievances at this point. At the discretion of the Grievant or the Respondent, a written description of the disposition of the grievance will be prepared by the Head and provided to the Grievant and Respondent. In instances in which the Head is either the Grievant or Respondent, or in which the aid of the Head is deemed inappropriate by either the Grievant, the Respondent, or the Head, the Grievant may proceed directly to Step Two or Three. If the Grievant is not satisfied with the disposition of the grievance at Step One, or if no decision has been rendered within two weeks after the delivery of the grievance at Step One, the Grievant may proceed to either Step Two or Three. Proceeding to another step must occur within two weeks of receipt of notice of a decision. [Rev. 2023]

D.3.2.2 Step Two: Provost

The Grievant will deliver a written statement of the grievance, together with the disposition of the Head, if any, to the Provost, with a copy to the President. If Step One has been followed, the Head also will receive a copy of the grievance. The Provost shall investigate the grievance. This investigation may include a meeting among the individuals involved in the issue of grievance and the Head. At the discretion of the Provost, the Executive Vice President for Finance and Administration will conduct an investigation and report the findings to the Provost. On the basis of the investigation, the Provost will attempt to resolve the grievance. At the discretion of the Grievant or the Respondent, a written description of the disposition of the grievance will be provided to all parties by the Provost. In instances in which the President, Provost, or Vice President for Finance and Administration is either the Grievant or the Respondent, the Grievant may elect to proceed directly to Step Three. If the Grievant is not satisfied with the disposition of the grievance at Step Two, or if no decision has been rendered within two weeks of receipt by the Provost of the statement submitted at Step Two (or any extension of that period to which the Grievant agrees), the Grievant may proceed to Step Three. Proceeding to Step Three must occur within two weeks of the disposition of the grievance or lack thereof**.** [99-31; Rev. 2023]

D.3.2.3 Step Three: Formal Hearing

A Grievant wishing to proceed to a Formal Hearing (the "Hearing") must submit to the Chair of the Appeal and Grievance Committee a request for the Hearing, with a copy to the Provost, describing the issue of grievance and the grounds for grievance and naming those persons deemed by the Grievant to be parties to the issue of grievance either as Respondent, witnesses, or participants. A grievance that has previously been under agency or court review and has been finally resolved may not be submitted to the Hearing.

D.3.2.4 Step Four: Composition of Formal Hearing Board

The Chair of the Appeal and Grievance Committee, upon receipt of a request from a Grievant shall promptly arrange for the constitution of a three-person Formal Hearing Board, as follows. The Appeal and Grievance Committee shall elect three of its members to serve on the Formal Hearing Board. In the event that any member of the Committee has participated in the circumstances that led to the grievance, such member shall not serve on the Formal Hearing Board. In no case shall a member of the same department/program as the Grievant serve on the Formal Hearing Board. In all cases, members of the Formal Hearing Board should consider themselves to be disinterested parties. The Formal Hearing Board thus constituted shall elect a Chair.

A member of the Appeal and Grievance Committee who is serving on two Formal Hearing Boards initiated in the same academic year will not be expected to serve on another unless the Chair of the Committee determines that the Formal Hearing Board cannot otherwise be constituted. For purposes of determining availability, service on a Formal Hearing Board will be considered to end with the issuance of the Report. [97-7]

D.3.2.5 Step Five: Scheduling of Formal Hearing

The Chair of the Formal Hearing Board shall promptly schedule and arrange for the Hearing.

The Hearing date shall not be less than ten calendar days nor more than thirty calendar days from the date of receipt of the request unless such a Hearing date would fall outside of the dates of the normal academic semesters, in which case the Hearing date shall not be more than ten calendar days after the beginning of the next semester. If a case cannot be completed within the semester, the Hearing may be suspended, at the discretion of the Formal Hearing Board, until the next semester. [97-7]

The Chair of the Formal Hearing Board shall notify the Grievant and all parties named in the request for the Hearing of the time, place, and date so scheduled by certified mail, return receipt requested. The Chair shall also notify in writing the President and the Provost. The failure of a Grievant to attend the Hearing except for compelling reasons shall terminate the proceedings.

D.3.2.6 Step Six: Conduct of Formal Hearing

An accurate record of the Hearing shall be kept including at least an audio recording. The Chair of the Formal Hearing Board shall preside over the proceedings and will act to ensure a fair presentation of all evidence and to maintain decorum. Each party in the case may be accompanied only by counsel chosen by each party respectively from the Faculty or administration of the College. Procedures will not follow formal rules of evidence, but special care will be taken in evaluating evidence to ensure fairness. [99-31]

During the Hearing, the Grievant, the Respondent, their counsels, and the Formal Hearing Board shall have the following rights: to call and examine witnesses, to introduce written evidence, to cross examine any witness on any matter relevant to the issue of the Hearing, and to offer relevant evidence in rebuttal. The Grievant may testify on their own behalf and may be called and examined by the Respondent, by counsels, or by members of the Formal Hearing Board. At its

discretion, the Formal Hearing Board has the authority to gather such additional evidence as it deems relevant, but it shall not have access to the files of any other member of the Faculty. All relevant parties shall have the responsibility to cooperate with the Board's inquiry. [99-31]

Upon the conclusion of the presentation of evidence, the Formal Hearing Board will deliberate in executive session, at a time convenient to itself. If during its deliberations the Formal Hearing Board gathers additional written evidence, it will provide all parties with an opportunity to respond. If the Formal Hearing Board wishes to hear additional testimony regarding the grievance from any of the parties or from others not present at the Hearing, it will reconvene the Hearing to provide all parties with an opportunity to respond. [97-7]

At the end of the final Hearing session or ten days after circulating any additional written evidence, whichever is later, the Chair of the Formal Hearing Board shall declare the Formal Hearing closed. Within three weeks of the close of the Hearing, the findings and recommendations (if any) for disposition of the grievance will be sent, in writing, to all parties to the grievance, to the Provost, to the President, and, as appropriate, to the EEO Officer. At the same time, or in no event later than seven calendar days after sending its decision, the Formal Hearing Board shall send the Grievant, the Provost, the President, and, as appropriate, the EEO Officer a written report (the Report) that describes separately the disposition of the grievance, the evidence considered, and the reasons for its determination. [97-7]

D.3.2.7 Step Seven: Final Disposition

Except in cases where the President is either the Grievant or the Respondent, final disposition of a grievance is the responsibility of the President and is based upon the report and the full record of the Formal Hearing Board. In cases where the President is the Grievant or the Respondent, final disposition of the grievance is the responsibility of a Grievance Review Panel (the "Review Panel"), subject to review by the Board of Trustees.

In cases where the President is either the Grievant or Respondent, a Review Panel will be constituted as follows: Within seven calendar days of receiving the Report of the Formal Hearing Board, the EEO Officer will supervise the formation of a three-person Review Panel, composed of three members of the Faculty. One member will be chosen by the Grievant, one member by the EEO Officer, and the third member chosen by the first two. The EEO Officer shall notify all parties when the Review Panel has been formed and will provide the Review Panel with copies of the Report of the Formal Hearing Board and access to the full record of the Hearing.

Final disposition of the grievance is based upon the report and the full record of the Hearing. The President (or the Review Panel) may request that the Formal Hearing Board reconsider the case on specific grounds. A request for reconsideration must be made within thirty calendar days, and the Formal Hearing Board has another thirty calendar days in which to make a second Report.

Within thirty calendar days of the Report or the second Report, the President (or the Review Panel) shall make the final adjudication of the grievance. This adjudication must be sent, in writing, to all parties of the grievance, the full Appeal and Grievance Committee, the Provost, and the EEO Officer. Grounds for rejection of Formal Hearing Board findings must be stated in writing.

All written documents shall be placed in the files of the EEO Officer.

APPENDIX E

INTELLECTUAL PROPERTY POLICY AND PROCEDURES

[Revised 13-13a; adopted by the Board of Trustees on May 23, 2014; Rev. 2023]

Lafayette College is committed to fostering an environment that promotes and protects the creation and dissemination of knowledge, inventions, and artistic works by faculty, staff and students. The fullest realization of this goal is achieved only when the College ensures academic freedom for all of its community members, protects its identity and functional interests, and recognizes the ownership, whether shared or individual, of intellectual properties and patents. This policy fully intends to safeguard and protect those rights.

A robust Intellectual Property (IP) Policy is necessary for fostering scholarship in the community and for promoting the best interests of the College. The College's IP policy should encourage innovation and the creation and dissemination of IP for the public good, rather than implement procedures motivated by a desire to develop sources of revenue. A strong IP policy balances the IP rights and obligations of the faculty, staff and students with the institutional rights and obligations of the College. The policy stated herein is structured to include a clear and fair system for the distribution of any benefits accrued, if and where appropriate, by IP created by members of the Lafayette community.

Definitions of terms used in this appendix are given at the end of this appendix (Section E.7).

E.1 Scope

The guiding principle of the IP policy is that the products of teaching and scholarship except patents are the property of the community member. The College, however, has the sole ownership interest in copyrightable material if it involves an *identity interest* (Section E.1.1) or a *functional interest* (Section E.1.2). If a community member employs an *extraordinary use of College resources* in developing copyrightable material, then the IP rights will be determined by the deliberate determination procedure (Section E.3). Community members who develop patentable discoveries using College resources have a duty to assign patent rights to the College. In those cases where patentable inventions are created by a community member with only incidental use of College-supplied desktop computers or laptops, e-mail and phones, however, the patent rights are retained by the creator.

E.1.1 Identity Interest. The College has an identity interest in copyrightable materials that are integral to, and reflect more directly on, the identity of the College rather than the identity of the creator. The College has an identity interest in items distributed beyond the College, such as: the college catalogue, alumni bulletins, institutional web pages, admissions brochures and campaign materials. Copyrightable materials in which the College has an identity interest will be owned by the College.

E.1.2 Functional Interest. The College has a *functional interest* in copyrightable materials that enhances the effective functioning and coordination of the College's operations. The College has a functional interest in administrative and personnel procedures, including software, and internal handbooks and reports. Copyrightable materials in which the College has a functional interest will be owned by the College.

E.1.3 Extraordinary Use of College Resources. The College has an ownership interest in copyrightable materials generated with *extraordinary use of College resources*, which refers to support by the College that is not normally available to a community member in their standard role (see Section E.7.5).

E.2 Implications for Faculty, Staff and Students. The extent to which the College's IP policy affects the different constituencies on campus is given below.

E.2.1 Faculty. Faculty members who create products of teaching and scholarship own their IP except for patentable inventions, in which case the ownership rights rest with the College. Pedagogical, literary, artistic and creative works are owned by the faculty member, consistent with American Association of University Professors guidelines about copyrights and the prevailing view in academia. Lecture notes and other course notes such as problem sets and syllabi are the faculty member's IP. Works related to scholarship, such as journal articles, books, textbooks, videos, photos, and artistic works in any medium, are also the faculty member's IP.

The use of resources normally available to the faculty member does not abrogate that right. For faculty, the support normally provided in the form of salary, lab or studio space, funding for sabbatical leaves, and internal grants available on a competitive basis through the Research Support Committee are considered normal support (see E.7.5 for further definition of normal support). [23-35, 24-17, Board May 23, 2025]

The IP generated in outside employment (such as consulting) or without College resources is not covered by this policy. Faculty members are bound by the terms of employment set forth in the *Faculty Handbook*.

E.2.2 Staff. In most cases, the copyrightable materials created by a staff member relate to either the functional or identity interests of the College, and therefore is owned by the College. In some cases, however, a staff member may undertake a project that is considered scholarly work, in which the College has no functional or identity interest. In such cases, ownership goes to the creator even though the default is to give it to the College. Staff members who develop patentable discoveries using College resources have a duty to assign patent rights to the College.

E.2.3 Students. For students, the College does not have an identity or functional interest in their IP except when they are employees of the College or are under the supervision of a faculty member. If a student project is developed in the context of normal coursework, then the rights to copyrightable materials is retained by the student. If students are under the supervision of a faculty member and are working on IP of the faculty member, then the faculty member and student are strongly encouraged to draw up a written agreement in consultation with the Intellectual Property Policy Committee, specifying the terms of how the IP generated by their collaboration will be handled before the project begins. If patentable inventions involve significant faculty mentorship and/or Lafayette resources, then the student has a duty to assign patent rights to the College. In all other circumstances where students are employed by the College, the IP policy for staff applies (Section E.2.2).

E.2.4 Group Projects. In the case when there are two or more community members collaborating in the creation of patentable inventions, all parties should sign the disclosure form. The disclosure form should indicate a fair distribution of fractional shares among the collaborators.

E.2.5 Acknowledgement of Help. There are often many community members involved in the creation of IP even if the IP is clearly the work of one creator. Acknowledgment of help in the creation of IP should be given by the creator in the appropriate manner.

E.3 Process for Deliberate Determination of IP Rights

E.3.1 Deliberate determination is not required. For all scholarly work (except for patents) in which the College has no identity or functional interest, or where there is no extraordinary use of College resources, there is no need to report the creation of IP by a community member to the Intellectual Property Policy Committee. Outside consulting and work done by community members without College resources is not subject to the reporting requirements. In those cases

where the College has a routine and clear case of an identity or functional interest, the College owns the copyrightable material and there is no need to report it to the Intellectual Property Policy Committee.

E.3.2 Deliberate Determination Required. In the case of patents or when copyrightable materials have received extraordinary support from the College, the creator must declare the IP to the Intellectual Property Policy Committee via the disclosure form as soon as the situation becomes clear. The Intellectual Property Policy Committee will make recommendations regarding the most suitable distribution of IP rights between the creator and College as well as distribution of partial shares between community members. Normally, within sixty (60) days of receiving complete formal disclosures of IP requiring deliberate determination, the Intellectual Property Policy Committee will make a recommendation to the Provost. After receiving the report from the Intellectual Property Policy Committee, the Provost will make a determination of IP rights in writing, normally within thirty (30) days. If a decision is made in which the College retains its ownership of a patent, then the College should vigorously pursue patent applications and technology transfer. The distribution of IP rights should be specified in writing and signed by the creator and College's representative.

If the College decides not to pursue ownership of the IP or does not make a decision within a reasonable period of time after receiving the complete disclosure form, then the IP reverts to the creator.

E.3.2.1 Disclosure Form. The form for disclosure of IP requiring deliberate determination of IP rights will be available in the *Office of the Provost. [23-35, 24-17, Board May 23, 2025; 2026]

E.3.2.2 The Intellectual Property Policy Committee will be composed of the chair of the Research Support Committee, a representative appointed by the Provost, and a third member chosen by the Provost and the Chair of the Research Support Committee. In considering cases involving patents or other matters that fall outside the expertise of the three committee members, the Intellectual Property Policy Committee will ask qualified faculty members as well as external professional counsel to advise on an ad hoc basis as needed. The Intellectual Property Policy Committee will also serve as a resource for any questions about IP policy and procedures for the community, and initial inquiries about the need for deliberate determination can be made on an informal basis [24-17, Board May 23, 2025].

The Intellectual Property Policy Committee will report all deliberate determinations and their recommendations to the Research Support Committee, which in turn will report the activities in the Academic Research Committee's annual report. The Intellectual Property Policy Committee will also report their deliberate determinations and their recommendations to the relevant reporting party(ies). [24-17; Board May 23, 2025; 2026].

E.3.3 Third Party Agreements. All IP produced by work sponsored by public or private organizations is governed by this appendix, unless otherwise specified in a written contract or in federal or state laws and regulations. Contracts with third parties can contain provisions governing IP rights that supersede the College policy. The Provost must approve the IP provisions in such contracts, and normally such contracts must also be reviewed by the General Counsel or the General Counsel's designee**.** [Rev. 2023, 2024]

E.3.4 Appeal of the Provost's Determination of IP Rights. In the event where the creator disagrees with the Provost's determination of IP rights, the creator may appeal the decision to the President within thirty days. Upon receiving the appeal, the President will render a decision regarding the appeal within thirty days.

E.3.5 Failure to Report IP Requiring Deliberate Determination. The College should support an environment that encourages frank discussions of IP ownership issues. Each community member is required to understand fully the nature and extent of the College's identity or functional interest

and to know when IP rests with the College. For students working with faculty, the faculty member has an obligation to ensure the student has an understanding of the ownership of any IP produced. If the creator does not report IP that requires deliberate determination, then ownership of the IP remains with or defaults to the College.

E.4. Options for Development. If the College assumes ownership of marketable IP, then the College will seek appropriate avenues for exploiting its commercial development given the potential costs.

E.4.1 Revenue. If revenue is generated by IP held by the College, the College and creator will split the revenue in the following manner. After all costs associated with the copyright or patent are recouped, the first $10,000 will go to the creator. The creator will receive sixty percent, and the College forty percent, of further revenue. This distribution will continue regardless of the creator's status at the College.

E.5 Transfer of IP Rights. There are circumstances in which either the creator or College may want to transfer IP ownership to the other. For IP developed without significant use of College resources and held by a community member, the community member may ask the College to consider accepting assignment of ownership, but the College has no obligation to do so. Even if the College has clear ownership of IP, the transfer of IP ownership to the community member may be appropriate, especially if it facilitates the distribution of the IP to the greater community.

E.6 Consultants. When the College has an identity or functional interest in copyrightable materials created by hired consultants, the College will stipulate by contract that ownership stays with the College. Hired consultants are not considered community members and as such are not covered by the other policies of Appendix E.

E.7 Definitions.

E.7.1. Intellectual Property (IP). Intellectual property is a creative work or invention in which the law allows ownership rights for the creator. The two main types of IP in the academic environment are copyrights and patents. Copyrights are an exclusive legal right available to creators to print, publish, perform, film, or record literary, artistic, or musical material. Patent protection is granted by the government to the creator for inventions that are useful, non-obvious and novel products or processes.

E.7.2. Community Members. Faculty, staff and students.

E.7.3. Creator. One community member, or two or more collaborators, who develop the IP.

E.7.3.1 Collaborators. Two or more community members who share in the creation of IP. In the case of more than one creator, fractional shares will be agreed upon beforehand to the extent possible. If parties outside the community are involved in the creation of IP that requires deliberate determination, then distribution of IP rights between all parties should be described prior to or as part of the disclosure process.

E.7.4 Scholarly Work. Scholarly work refers to original work including publications, exhibitions, and/or performances, as described in Section 4.2.2.2 of the *Faculty Handbook*. The guidelines for recognized forms of scholarly work in each discipline are located on the Provost's website, and are described in Section 4.2.2.1.1 of the *Faculty Handbook*.

E.7.5 Normal Support for a Community Member. For all community members, College-supplied computing, e-mail and phone resources are considered normal support. For faculty, normal support also includes salary, laboratory or studio space, funding for sabbatical leaves, start-up

grants, competitive grants distributed through the Research Support Committee, as well as other widely advertised grant opportunities from the College, professional development funds, and other funds available through competitive processes. For staff, salary and laboratory or studio space are considered normal support. For students, normal support entails the use of College-owned resources either freely available to students (for example, computer labs and workstations on campus) or available on loan (laptops, cameras, video recording devices, etc.) or through courses (art supplies, for example). [23-35, 24-17, Board May 23, 2025]

E.7.6 Extraordinary Support for a Community Member. A community member who receives support beyond the normal support afforded to the community member is receiving extraordinary support.

E.7.7 Work for Hire. Under the 1976 Copyright Law, “a work prepared by an employee within the scope of … [their] employment” is considered “work for hire,” in which case the copyright becomes the property of the employer. Within the context of academia, however, most institutions do not consider scholarly work (except for patents) done by faculty and students to be the property of the institution, except in cases where the institution has a functional interest, identity interest, and/or has given substantive resources for the creation of the work.

E.7.8 Federal Grants and Bayh-Dole Act of 1980. The Bayh-Dole Act permits a college or university to elect to pursue ownership of IP developed with the support of federal research grants in preference to the government. In particular, Lafayette College can determine IP rights and responsibilities, within the framework of federal guidelines.

APPENDIX F

COPYRIGHT INFORMATION

Issued by the Supervisor of Administrative Services
October 5, 1990

F.1 Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that the copying:

a. meets the tests of brevity and spontaneity as defined below; and,

b. meets the cumulative effect test as defined below; and,

c. each copy includes a notice of copyright.

F.2 Definitions

F.2.1 Brevity

F.2.1.1 Poetry (a) A complete poem if less than 250 words and if printed on not more than two pages or (b) from a longer poem, an excerpt of not more than 250 words.

F.2.1.2 Prose (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

(Each of the numerical limits stated in F.2.1 and F.2.2 above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

F.2.1.3 Illustration One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

F.2.1.4 "Special" works Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "i" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof may be reproduced.

F.2.2 Spontaneity

F.2.2.1 The copying is at the instance and inspiration of the individual teacher; and

F.2.2.2 The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

F.2.3 Cumulative Effect

F.2.3.1 The copying of the material is for only one course in the school in which the copies are made.

F.2.3.2 Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

F.2.3.3 There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in F.2.3.2 and F.2.3.3 above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

F.3 Prohibitions

Notwithstanding any of the above, the following shall be prohibited:

F.3.1 Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.

F.3.2 There shall be no copying of or from works intended to be “consumable” in the course of study or teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

F.3.3 Copying shall not:

a. substitute for the purchase of books, publisher’s reprints or periodicals;

a) be directed by higher authority;

b) be repeated with respect to the same item by the same teacher from term to term.

F.3.4 No charge shall be made to the student beyond the actual cost of photocopying.

APPENDIX G

LAFAYETTE COLLEGE HOUSING PROGRAM
POLICIES AND PROCEDURES

Added 1968; revised 1987, 1999, 2002, 2003, 2015, 2018

The College recognizes that there are mutual benefits when faculty and employees live near the center of campus life. Consequently, properties acquired adjacent to the campus are maintained to accommodate new employees moving to the Easton area. A limited number of apartments and houses are available for rent to employees of the College. The College housing rental program is administered through the Business Services office in Finance & Business. [Rev. 2018, 2020]

College-owned housing is not guaranteed with availability awarded on a first-come, first-served basis. While the Rental Property office does not assume the responsibility for finding rental units for new employees, the College has contracted with a local realtor able to show the available College's properties and properties owned by others to prospective tenants. Further information is available at finadmin.lafayette.edu/information-for-faculty-staff/rental-property/.

G.1 Objectives of the Program

The program is designed to:

a. aid newly appointed faculty and administrative personnel in their transition to the College by providing temporary housing. Because the intent is to aid in a transition, housing is made available for a maximum of seven years. [Rev. 2018]

b. provide housing for personnel who should live close to the campus for the convenience of the College and for the effective operation of its programs. In this case, housing is provided as long as the proximity of personnel remains important to the functioning of the College. [Rev. 2018]

c. fulfill explicit or implicit commitments made in prior years to provide housing on a long-term basis for senior staff members.

G.2 Eligibility for College Housing

Faculty and administrative personnel are eligible for assignment to College-owned housing in the following order:

a. new and recent appointees to the Faculty and administration, [Rev. 2015]

b. other Faculty and administrative personnel.

G.3 Application Procedure

Employees interested in renting should complete the *Indication of Interest in College Owned Housing Form* found under the Prospective Tenant Information Section on the Rental Property website finadmin.lafayette.edu/information-for-faculty-staff/rental-property and return the completed form to rentals@lafayette.edu. The College is assisted by a local realtor in placing employees in suitable housing and, if College inventory is insufficient, the realtor will assist employees in locating alternate accommodations. *[Rev. 2015, 2018]*

Persons assigned to College-owned housing are notified of the unit assigned to them and the date on which that unit is expected to be available for occupancy. An applicant for whom a unit is not available is so notified promptly and may ask to be placed on an alternate list for assignment in the event of a cancellation or a sudden vacancy.

G.4 Terms of Occupancy

A lease is required so that occupants fully understand these privileges and responsibilities. Normally, the initial lease is for the period of initial occupancy to the following June 30. Renewals are normally for one year ending on June 30. [Rev. 2015, 2018]

Tenants are expected to exercise reasonable care of the property during their tenancy. [Rev. 2018]

Rental charges will be payable monthly and such payments will be made by payroll deduction. [Rev. 2003, 2015, 2018]

G.5 Responsibility for the Program

The Rental Property Office of Business Services Department is responsible for the day-to-day administration of the program. This involves handling inquiries, dealing with applications, and assigning units to applicants. [Rev. 2018]

The Office of Facilities Operations is responsible for the operation and maintenance of the units. [Rev. 2018]

APPENDIX H

STATEMENT OF GOVERNANCE [STUDENT]

Adopted by the Faculty June 2, 1971
Reviewed by the Board of Trustees November 19, 1971
Revised to Conform to Faculty Action, 1995

H.1 Student Government

H.1.1 All actions of Student Government shall be consistent with the *Charter* of the College, the *Statutes* of the College, and the *Statement on the Rights and Responsibilities of Students*.

H.1.2 Student Government shall:

H.1.2.1 adopt with Faculty approval a Constitution;

H.1.2.2. supervise the extracurricular life of the student body to the extent that the Faculty has itself been delegated authority to do so; [Oct. 5, 1971; Nov. 2, 1971]

H.1.2.3. supervise the general operation of student organizations by:

a. granting recognition to organizations whose purposes are in accord with Article IV of the *Statement on the Rights and Responsibilities of Students* and whose College resource requirements can be met within the facilities of the College and budget limitations of the Student Government,

b. apportioning to recognized organizations funds allocated for the purpose by the College budget,

c. superintending the dissolution of organizations when the need arises;

H.1.2.4. supervise student elections;

H.1.2.5. nominate or choose student members of Standing Committees of the Board of Trustees or of the Faculty in ways acceptable to the parent bodies;

H.1.2.6. enforce the rules which it enacts and other College regulations which are explicitly within its jurisdiction.

H.1.3 And Student Government shall have authority:

H.1.3.1. to initiate and enact changes in the Code of Conduct for implementation after review by the Faculty and Board of Trustees;

H.1.3.2. to propose amendments to the *Statement on the Rights and Responsibilities of Students* for concurring action by the Faculty and the Board of Trustees;

H.1.3.3. to establish committees, assign their responsibilities, and appoint their membership, and to create whatever other internal organization it deems necessary for carrying out the purposes stated in its Constitution;

H.1.3.4. to make recommendations to appropriate deciding bodies on any matters relating to the general welfare of the student body.

H.2 Student Government Relation to Faculty

H.2.1 The Faculty may suspend any action of the Student Government which it judges to lie outside the authority of that organization or to be detrimental to the best interests of the College. Suspended actions shall be returned to the Student Government for reconsideration.

H.2.2 To carry out the provisions of this article, the Vice President for Student Life shall act as the agent of the Faculty, reviewing all actions of the Student Government and deciding whether any should be suspended for review by the entire Faculty. The Vice President for Student Life shall report actions of the Student Government to the Faculty when appropriate and shall report actions which have been suspended to the next regular meeting of the Faculty for suitable action at that meeting or the next regular meeting. [Rev. 06-5, 2011]

H.3 The Faculty

H.3.1 The Faculty shall retain the composition and responsibilities described in the *Charter* and the *Statutes* of the College.

H.3.2 The Faculty shall have the power to establish committees, assign their responsibilities, and appoint their membership, or to create whatever internal organization it deems necessary for the conduct of its business or the effective discharge of its responsibilities.

H.3.3 Committees of the Student Government

The Faculty shall appoint as many of its members as may be requested to serve as members of or consultants to committees of the Student Government; faculty members so appointed are expected to accept the responsibility to serve in the same way that they accept the responsibility to serve on committees of the Faculty.

H.3.4 Student Attendance at Faculty Meetings

Students who are members of Standing Committees of the Faculty, and the President and the Vice President of Student Government, shall have the privilege of attending stated meetings of the Faculty and the privilege of speaking to questions which have been brought to the floor of the meeting. They shall not have other rights that are normally associated with membership.

H.4 Instructions to Committees

H.4.1 The Student Government or its Executive Committee shall have the right to ask the Faculty to direct any of its committees to provide information, undertake studies, prepare recommendations, or perform other appropriate duties.

H.4.2 The Faculty or its Chair and Clerk jointly shall have the right to ask the Student Government to direct any of its committees to provide information, undertake studies, prepare recommendations, or perform other appropriate duties.

APPENDIX I

THE PREPARATION OF WRITTEN WORK

Added 1967 as "College Policy"; previously issued by the Office of the Dean
Revised 1988

In order to maintain the scholarly standards of the College and, equally important, the personal ethical standards of our students, it is essential that written assignments be a student's own personal work, just as is expected in examinations and class participation. The following generally recognized principles are designed to guide students in the writing of essays, term papers, and reports, and to forestall acts of plagiarism, misrepresentation and collusion, and consequent disciplinary action:

I.1 Use of Other Persons' Writing

The appropriation of the ideas or phrases of others without proper acknowledgment is plagiarism and must be regarded as dishonest.

I.2 Use of Reference Material

A student must often read extensively before being in a position to do any writing. The student may find passages in books and articles which will be helpful in illustrating ideas. There is no objection to quoting such passages provided the material is put within quotation marks and the source is indicated by means of footnotes or other means of showing authorship.

Obviously, if an essay consists largely of quotations, it will not normally be regarded as an original piece of work. Paraphrasing, the appropriation of ideas with changed wording, is a form of plagiarism unless the name of the person paraphrased is mentioned. Each piece of written work should contain a complete bibliography of books and articles which have been used in its preparation. The name of the author, the title of the work, and the place and date of the edition should be given. See "How to Avoid Plagiarism," in the *Student Handbook*.

I.3 Use of Other Students' Work

It is self-evident that to submit the work of another student, with or without revision, is dishonest and subjects one to disciplinary action. The use of another person's notes or rough draft of a similar subject is considered equally dishonest.

I.4 Working Together

Occasionally two or more students will consider it desirable and proper to engage in a joint investigation with individual essays or reports as the finished products. Such a procedure is acceptable only when the instructor has consented to and approved the details of the collaboration. The names of all collaborators must appear on the final document.

I.5 Re-Use of a Paper

The submission of one's own written work which has previously been used in another connection is a procedure which should not be followed without the explicit permission of the instructor.

Finally, the underlying principle is one of intellectual honesty. If a person is to have the respect of others and to have self-respect, all work must be the student's own work. If a student is dishonest, that student is liable to suspension or expulsion. See also *Student Handbook*.

APPENDIX J

ENGLISH COMPETENCY

Adopted by the Faculty on April 3, 1973
Revised 06-33; 2023; 23-25

The following is the policy of the Faculty on the correct usage of English:

a. Each Officer of Instruction shall refuse to accept written work that fails to demonstrate clear and correct use of the English language. The unaccepted paper shall be graded as a conditional failure until the student rewrites it in acceptable fashion. The instructor is expected to indicate to the student as precisely as possible the reasons for requiring the work to be rewritten.

b. Should the rewritten paper still display incompetence in English, the instructor shall grade the paper as the instructor sees fit but report the student to the Office of Advising and Co-Curricular Programs for deficiency in English. The respective Class Dean in the Office of Advising and Co-Curricular Programs shall in turn notify the Department of English and require the student to consult with the Head of that Department. [Rev. 2014, 2023]

c. To judge a student's competence in writing, a representative of the Department of English, after consulting with the reporting instructor, shall require the student to write an impromptu essay. This requirement may be repeated one or more times until the writer achieves an acceptable standard of literacy.

d. Final decision regarding graduation shall be made by the Student Affairs Committee [23-35].

e. The Office of Advising and Co-Curricular Programs shall send a copy of this policy statement to each Officer of Instruction at the beginning of every term. [Rev. 2014]

APPENDIX K

LAFAYETTE COLLEGE POLICY ON STUDENT RECORDS AND THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Revised 1997, 1998, 2000, 2001, 2002, 06-33, 2010, 2014, 2025

I. Introduction

Policy Statement

The Family Educational Rights and Privacy Act of 1974, as amended ("the Act," commonly referred to as "FERPA" or the "Buckley Amendment"), is designed to protect the privacy of Students' Education Records and to give Students access to their Education Records to ensure the accuracy of their contents. The purposes of the Lafayette College ("Lafayette" or "the College") Student Education Records Policy (the "Policy") are: to inform Students of their rights under the Act; to inform employees, third-party contractors, volunteers, and other individuals affiliated with the College of Lafayette's responsibilities under the Act; and to describe the circumstances under which the College may disclose Student Education Records.

II. Applicability

This Policy applies to all Education Records of Lafayette Students, as those terms are defined within this Policy. All employees, third-party contractors, volunteers, and other individuals affiliated with the College are expected to comply with this Policy.

III. Definitions

Education Records: any records maintained by Lafayette which are directly related to a Student, with the following exceptions:

- Records made by College employees which are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except an individual who is a temporary substitute for the maker of the record;
- Employment records, unless the employment is contingent on the fact that the employee is a Student;
- Records maintained by the Department of Public Safety solely for law enforcement purposes;
- Records made, maintained, and used by professionals or paraprofessionals (e.g., physician, psychiatrist, psychologist, or counselor) only in connection with treatment of the Student, and disclosed only to individuals providing the treatment; and/or
- Records containing information about individuals after they are no longer Students and which do not relate to the individual's attendance as a Student, including alumni records.

Legitimate Educational Interest: A School Official has a Legitimate Educational Interest when the School Official needs to review an Education Record in order to fulfill their responsibilities on behalf of the College, such as when the School Official is performing a task that is specific in their job description, or pursuant to a contractual agreement or other official appointment; performing a task related to a Student's education; performing a task related to the discipline of a Student; or providing a service or benefit relating to the Student.

Personally Identifiable Information: Personally Identifiable Information includes, but is not limited to, a Student or Student's family member's name or address; a Student's Social Security Number, student identification number, date of birth, place of birth; other information that, alone or in combination, is linked or linkable to a specific Student that would allow a reasonable person in the College community, who does not have personal knowledge of the relevant circumstances, to

identify the Student with reasonable certainty; or other information requested by a person who the College reasonably believes knows the identity of the Student to whom the Education Record relates.

School Official: A person employed by Lafayette in an administrative, supervisory, academic, research, or support staff position, including Public Safety and Student Health/Counseling staff; volunteers or third-party contractors (individuals or entities) performing a service or function for which the College would otherwise use its employees, and who are under the direct control of the College with respect to the use and maintenance of Personally Identifiable Information from Education Records (e.g., an attorney, auditor, or vendor; the National Student Clearinghouse); individuals serving on the Board of Trustees; and Students conducting College business (e.g., serving on official committees, working for Lafayette, or assisting another School Official in performing their tasks).

Student: any person who attends, or has attended, Lafayette. Individuals who are accepted to the College but do not attend any classes are not Students for purposes of FERPA or this Policy.

IV. Policy

The Act affords Students certain rights with respect to their Education Records. They are:

1. **Access to Education Records:** the right of a Student to inspect and review their Education Records within 45 days of the day the College receives a written request for access, any time after matriculation.

2. **Request Amendment of Education Records:** the right of a Student to request amendment of their Education Records if the Student believes they are inaccurate, misleading, or in violation of the Student's privacy rights under the Act.

3. **Consent to Disclosure of Education Records:** the right of a Student to consent to disclosures of their Education Records, which may include Personally Identifiable Information, except to the extent that the Act or any superseding law authorizes disclosure without the Student's consent.

4. **Compliance:** the right to contact the Family Policy Compliance Office with a complaint concerning Lafayette's compliance with the requirements of the Act. The name and address of the office that administers FERPA is:

   Family Policy Compliance Office
   U.S. Department of Education
   400 Maryland Avenue SW
   Washington, DC 20202-5920

Access to Education Records

Students have the right to inspect and review their Education Records within 45 days of the day Lafayette receives a written request for access, any time after matriculation. Students must submit a written request, identifying as precisely as possible the Education Record(s) they wish to review, to the Office of the Registrar or other appropriate official records custodian. The applicable College official will make arrangements for the Student's review of the Education Records. Please note that a request to inspect and review "all records" is not normally sufficient to identify a Student's Education Records for inspection and review.

Waivers: When Students request that a member of the faculty or administration write a letter of recommendation to graduate schools or possible employers, they may be asked to sign a waiver to assure the confidentiality of the recommender's observations.

Waivers may be signed only for the specific purposes of application for admission, candidacy for honorary recognition (including merit-related financial aid), and application for employment, but waivers will not be required. Students may be told, at their request, the names of those supplying references. Students may revoke a waiver, in writing, for future actions, but not for letters or recommendations already in the Student's Education Records.

Education Records not open to Student review: Students do not have the right to review the following records:

- financial records of the Student's parent(s) and/or legal guardian(s);
- letters and statements of recommendation for which the Student has waived their right of access, or which were placed in the file before January 1, 1975;
- records connected with an application to attend the College if that application was denied;
- Education Records containing information about more than one Student, in which case Lafayette will permit access only to that part of the record which pertains to the inquiring Student; and/or
- records which are excluded from the definition of Education Records under FERPA and this Policy.

Right of the College to refuse to provide copies: Lafayette reserves the right to deny copies of Education Records if they are not required to be made available under FERPA, if the Student has an overdue financial obligation to the College, or if there is an unresolved disciplinary action against the Student.

Request for Amendment of Education Records

Students have the right to request amendment of their Education Records if they believe they are inaccurate, misleading, or otherwise in violation of their privacy rights under the Act. Students should write to the Office of the Registrar, clearly identify the part of the record they want changed and specify why it should be changed.

The Office of the Registrar will then determine the College official who is responsible for the record and share the complete request to the applicable College official. The applicable College official will reach a decision and inform the Student in a reasonable amount of time after receiving the request. If the request to amend the Education Record is denied, the College official will advise the Student of their right to a hearing on the requested amendment, and provide information on hearing procedures.

Destruction of Records: Nothing in this Policy requires the continued maintenance of any Student's Education Record for any particular length of time. However, if under the terms of this Policy, a Student has requested access to their Education Record, the Education Record will not be destroyed before the custodian has granted access, where such access would otherwise be granted.

Disclosure of Education Records

Students have the right to consent to disclosures of their Education Records, which may include Personally Identifiable Information, except to the extent that the Act or any superseding law authorizes disclosure without the Student's consent. Other than Directory Information, defined below, it is the general practice of Lafayette to disclose Student Education Records only with the written consent of the Student. However, in certain situations, Lafayette retains discretion under FERPA, or may be authorized under other applicable law, to disclose such Education Records without the Student's consent, including, but not limited to, the following:

1. to School Officials who have a Legitimate Educational Interest in the Education Records.

2. to officials of another school in which the Student has sought to enroll. The College may forward Education Records to such other schools upon their request.

3. to authorized officials of the following entities, in connection with federal- or state-supported education programs: the U.S. Department of Education; the U.S. Comptroller General; the U.S. Attorney General; or state and local educational authorities. Disclosures under this provision may be made in connection with an audit or evaluation of federal- or state-supported educational programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of Personally Identifiable Information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, subject to the requirements of applicable FERPA regulations (34 CFR § 99.31(a)(3) and § 99.35).

4. in connection with a Student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid or enforce the terms and conditions of the aid.

5. to organizations conducting certain studies for educational purposes for or on behalf of the College, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.

6. to accrediting organizations, including individuals on visiting committees, to carry out their functions.

7. to parents or legal guardians who claim the Student as a dependent for income tax purposes. However, it is generally College practice to not release records under this exception.

8. to comply with a judicial order or a lawfully issued subpoena, provided the College makes a reasonable attempt to notify the Student in advance of compliance (except in certain cases involving grand jury subpoenas) or when the College is involved in a legal action with a Student or a parent or legal guardian of a Student, where disclosure is to the court, without a court order or subpoena, and is relevant for the College to proceed as plaintiff or to defend itself.

9. to appropriate parties in a health or safety emergency.

10. to appropriate parties in connection with certain disciplinary proceedings as follows:

    a. to an alleged victim of any crime of violence or non-forcible sexual offense (as defined by FERPA regulations at 34 CFR § 99.39), the final results of any Lafayette disciplinary proceeding with respect to the crime or offense, regardless of whether the College concluded a violation was committed.

    b. otherwise in connection with a disciplinary proceeding for a crime of violence or non-forcible sexual offense (as defined above), the College retains the discretion to disclose the final results of the disciplinary proceeding to other members of the campus community and the general public only if the College determines that the alleged Student perpetrator has committed a violation of College rules/policies with respect to the crime or offense. The name of any other Student, victim or witness, may not be disclosed without that other Student's consent. Disclosure to any individual other than the alleged victim applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

For purposes of both subsections (a) and (b), "final results" must include only the name of the alleged perpetrator Student, the violation committed (rules violated and essential supporting findings), and the sanction imposed (disciplinary action taken, date, and duration).

11. to disclose to a Student's parent or legal guardian information regarding any violation of law or of College rule or policy as to alcohol or controlled substances use or possession, if the Student is under age 21 at the time of the disclosure and the College determines that such alcohol/drug use or possession constitutes a disciplinary violation. However, it is generally College practice to not release records under this exception.

12. to disclose information provided to Lafayette under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. § 14071) concerning registered sex offenders who are required to register under that section.

Consent for the disclosure of a Student's Education Records must be in writing, signed and dated by the Student, specifying the Education Records to be released, the reasons for such release, and to whom the Education Records are to be disclosed.

Record of disclosures: Except where not required under applicable law, such as for disclosures of Directory Information, Lafayette will inform all third parties (external to the College) to whom Personally Identifiable Information from a Student's Education Record is released that no further release of such information is authorized without written consent of the Student. Lafayette will maintain a record of third parties who have requested or obtained access to a Student's Education Records, indicating the legitimate interest that each such person or entity had in obtaining this information. This record of access, to be kept with the Student's Education Record, is available only to the Student and the custodian(s) of the Education Record. This requirement to keep records of requests and disclosures does not apply to requests or disclosures by/to the Student or pursuant to the Student's written consent; to School Officials with a Legitimate Educational Interest; Directory Information; parents, where permitted; circumstances involving certain grand jury or other law enforcement subpoenas which order that the existence of the contents of the subpoena or the information provided not be disclosed.

Directory Information: Lafayette designates the following categories of Student information as public or "Directory Information" and may disclose such information at its discretion.

- Student's name
- College and home address and campus P.O. box number
- Phone numbers
- College-issued email address
- Date of birth
- Photograph
- Dates of attendance
- Class year/Expected Graduation Date
- Degree program and major
- Degrees, honors, and awards received
- Participation in College activities
- Weight and height of members of athletic teams

Currently enrolled students may request that the College withhold disclosure of Directory Information. To withhold disclosure, written notification using the FERPA Block form must be received by the Registrar's Office. Directory Information will then be withheld until the Student releases the hold on disclosure. Students should understand that, by withholding Directory Information, some information considered important to students may not reach them.

If a Student wishes a "FERPA block" on Directory Information to remain in effect after the last term of enrollment, a separate written request using the same form must be made to the Registrar prior to the end of that term. Such a hold will remain in place unless removed in writing.

The College provides Directory Information about Students that is requested by military recruiters under the Solomon Amendment. If a Student requests that their Directory Information be withheld, this request will also be honored under the Solomon Amendment and the Student's records will not be released to military recruiters.

Compliance

Questions about this policy can be directed to the Office of the Registrar at registrar@lafayette.edu. Students also have the right to contact the Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-8529 (email address FERPA.Complaints@ed.gov) with any complaints about Lafayette's compliance with FERPA. The complete regulations and full definitions of terminology are on the U.S. Department of Education site.

APPENDIX L

POLICY STATEMENTS FOUND IN THE *STUDENT HANDBOOK*

[Rev. 13-14, 2021]

a. Statement of Rights and Responsibilities of Students [Adopted by the Faculty May 28, 1968, Rev. 03-37, Board, Oct. 2, 2004]

b. Student Code of Conduct

c. Undergraduate Motor Vehicle and Traffic Regulations

d. Policy on Solicitation

e. Policy on Distribution of Literature

f. Lafayette College Policy on Equal Opportunity, Harassment, and Non-Discrimination [Rev. 18-66]; Rev. 20-43, Board, May 14, 2021]

APPENDIX M

INTERDISCIPLINARY APPOINTMENT POLICIES AND PROCEDURES

Adopted by the Faculty on May 21, 2009 [08-32]
Approved by the Board of Trustees on May 22, 2009
Revised by the Faculty on February 7, 2012 [11-9]
Approved by the Board of Trustees on February 14, 2012
Revised by the Faculty on May 10, 2023 [22-33]
Approved by the Board of Trustees on May 19, 2023

Recognizing that complex issues increasingly cross traditional disciplinary boundaries, Lafayette College values interdisciplinary teaching, scholarship and service as an important component of the mission of the College. With strong programs in engineering, natural and social sciences, and the arts and humanities, Lafayette offers an unusually fertile environment for supporting interdisciplinary work, and values the contributions departments make to Interdisciplinary Programs. Lafayette also values the contributions faculty make to interdisciplinarity, and in such cases, interdisciplinary teaching, scholarship and service are considered in Faculty recruitment, appointment, review, and promotion decisions.

M.1 The College recognizes four types of interdisciplinary appointment: courtesy, affiliated, joint, and Interdisciplinary Program appointments. (See 4.6). [Rev. 11-9, Board, Feb. 14, 2012]

M.1.1 Courtesy and Affiliated Appointments

M.1.1.1 Courtesy Appointments

Faculty who occasionally teach courses outside their home department/program may receive a courtesy appointment in the program or department in which they occasionally teach. The terms of such an appointment shall be based on a Memorandum of Understanding between the home department/program and the courtesy program or department to define the involvement of the courtesy program or department in the appointment.

M.1.1.2 Affiliated Appointments

Faculty who regularly teach one course per year outside their home department/program may receive an affiliated appointment in the program or department where they contribute. The terms of such an appointment shall be based on a Memorandum of Understanding between the home department/program and the program or department to which the faculty member contributes, in order to define the involvement of the home department/program and the contributing program or department.

M.1.1.3 Review of Faculty Members Holding Courtesy or Affiliated Appointments

When faculty members holding courtesy or affiliated appointments undergo midterm, tenure, and promotion reviews, the Department Head or Program Chair of the courtesy or affiliated department or program will normally write a letter of review that becomes part of the candidate's file, as specified in the Memorandum of Understanding. This also applies to Lecturers and Senior Lecturers holding affiliated appointments during reappointment and/or promotion reviews. [22-33, Board May 19, 2023]

M.1.2 Joint Appointments

A joint appointment refers to a faculty member whose teaching responsibilities are divided between two entities (departments and/or programs) for either the term of appointment or for a time-limited period. Typically, a faculty member with a joint appointment will teach 30-70% of their courses in one department or program (X) and the remainder in another department or

program (Y). Such appointments shall be based on a Memorandum of Understanding between X and Y, to be in place at the time the appointment is made.

There are two models for joint appointments: Integrated, in which X and Y act as one; and Collaborative, in which X and Y sometimes act separately and sometimes act as one.

M.1.2.1 Integrated Model for Joint Appointments: in which the units act as one

M.1.2.1.1 Search Procedures. The Search Committee will consist of an equal number of members from X and Y, with a Chair elected by its members. Acting as one unit, the search committee writes the job description, recruits candidates, and invites the top applicants to campus following existing search guidelines. During campus interviews, all members of X and Y will have the opportunity to meet the candidates. Following the interviews, members of both X and Y will meet together to discuss and to vote on the candidates, with the Heads and/or Chairs of X and Y both serving as co-chairs. The names of the recommended candidates, and the rationale supporting the recommendations, will be sent to the Dean of the Faculty. [Rev. 2014]

M.1.2.1.2 Responsibilities. The joint appointment is a full member of both X and Y. The Heads and/or Chairs of X and Y will determine the teaching responsibilities of the joint appointment each year, taking into account the curricular needs of X and Y, as well as the faculty member's preferences. In cases in which the Heads and/or Chairs cannot agree, the Dean of the Faculty will mediate. Advising responsibilities, supervision of student research, and department/program service will be arranged similarly, with the Heads and/or Chairs of X and Y ensuring that the faculty member is not overburdened by virtue of being in more than one body. [Rev. 2014]

M.1.2.1.3 Mentoring. A Mentoring Committee will be set up to advise an untenured joint appointment. This committee, consisting of two tenured faculty members, one from X and one from Y, will counsel the joint appointment regarding faculty responsibilities and insure that the person has adequate information about faculty procedures for reappointment and tenure. The Committee will disband at the time a tenure decision is made.

M.1.2.1.4 Reviews. The Heads and/or Chairs of X and Y will jointly be responsible for organizing pre- and post-midterm conferences and midterm, tenure, and promotion reviews. The Mentoring Committee will be consulted for any such conference or review. For the pre- or post-midterm conference, a conference committee including the Heads of X and Y will meet and jointly write an evaluation. For the midterm, tenure, and promotion reviews, the appropriate joint X and Y Departmental/Program Review Committee will meet together and act as a single body to discuss and evaluate the faculty member's performance. A single letter to the Promotion, Tenure, and Review Committee will be written. For tenure reviews, the members of the joint X and Y Departmental/Program Review Committee will make their individual recommendations. For Lecturers and Senior Lecturers who hold a joint appointment that follows the Integrated Model, the Heads and/or Chairs of X and Y will jointly be responsible for organizing the reappointment reviews. The Mentoring Committee will be consulted for any such conference or review. For the reappointment review, a conference committee including the Heads of X and Y will meet and jointly write an evaluation. For promotion reviews, the appropriate joint X and Y Departmental/Program Review Committee will meet together and act as a single body to discuss and evaluate the faculty member's performance. A single letter to the Promotion, Tenure, and Review Committee will be written. For promotion reviews, the members of the joint X and Y Departmental/Program Review Committee will make their individual recommendations. [Rev. 11-9, Board, Feb. 14, 2012; 22-33, Board May 19, 2023]

Post-tenure reviews, including promotion to full professor, will be conducted similarly but with only full professors of X and Y involved in a promotion recommendation.

M.1.2.2 Collaborative Model for Joint Appointments: in which the units sometimes act separately

M.1.2.2.1 Search. The Search Committee will consist of an equal number of members from X and Y, with a Chair elected by its members. Acting as one unit, the search committee writes the job description, recruits candidates, and invites the top applicants to campus following existing search guidelines. During campus interviews, all members of X and Y will have the opportunity to meet the candidates.

Following the interviews, members of X and Y will meet separately to discuss and to vote on the candidates. Each Department or Program will identify and rank those candidates deemed acceptable. The Heads and/or Chairs of X and Y will determine if a clear candidate emerges from the separate rankings; if not, X and Y will be informed of the rationale for the other's preferences and then will vote again. If a clear candidate still does not emerge, a joint meeting of X and Y will be held to discuss each candidate further. Votes will be taken until a clear candidate or list of candidates emerges. The names of the recommended candidates, along with the rationale supporting the recommendation will be sent to the Dean of the Faculty. No candidate will be recommended who is not acceptable to both X and Y. [Rev. 2014]

If it is unclear where the appointment will reside, the Search Committee will be comprised of three members of X, together with a representative from each of the departments or programs (Y's) in which the appointment might possibly reside. For example, a department or program may be given permission to hire a faculty member who will teach part-time in that program, and part-time in one of several other departments or programs that have indicated interest in sharing the appointment. The Chair will be one of the members of X. Once the job description is written and a list of top applicants chosen by the Search Committee, each candidate's credentials will be forwarded to the appropriate department/program Y that will potentially share the appointment. The Head or Chair of Y, along with the Y representative from the Search Committee and another member of Y, will meet to decide which of the candidates is acceptable to bring to campus. Once the Search Committee receives the evaluations from all Y's, it will invite the top applicants to campus following existing search guidelines. During campus interviews, all members of X will have the opportunity to meet the candidates, and all members of each Y will have the opportunity to meet the candidates who will potentially reside in their department/program.

Following the interviews, members of X and Y will meet separately to discuss and to vote on the candidates. Each department or program will identify and rank those candidates deemed acceptable. The Heads and/or Chairs of X and Y will determine if a clear candidate emerges from the separate rankings; if not, X and Y will be informed of the other's preferences and will then vote again. If a clear candidate still does not emerge, a joint meeting of X and Y will be held to discuss each candidate further. Votes will be taken until a clear candidate or list of candidates emerges. The names of the recommended candidates, along with the rationale supporting the recommendation will be sent to the Dean of the Faculty. No candidate will be recommended who is not acceptable to both X and Y. [Rev. 2014]

M.1.2.2.2 Responsibilities. The joint appointment is a full member of both X and Y. The Heads and/or Chairs of X and Y will determine the teaching responsibilities of the joint appointment each year, taking into account the curricular needs of X and Y, as well as the faculty member's preferences. In cases in which the Heads and/or Chairs cannot agree, the Dean of the Faculty will mediate. Advising responsibilities, supervision of student research, and department/program service will be arranged similarly, with the Heads and/or Chairs of X and Y insuring that the faculty member is not overburdened by virtue of being in more than one body. [Rev. 2014]

M.1.2.2.3 Mentoring. A Mentoring Committee will be set up to advise an untenured joint appointment. This committee, consisting of two tenured faculty members, one from X and one from Y, will counsel the joint appointment regarding their faculty responsibilities and insure that the person has adequate information about faculty procedures for reappointment and tenure. The Committee will disband at the time a tenure decision is made.

M.1.2.2.4 Reviews. The Heads and/or Chairs of X and Y will each be responsible for organizing independent pre- and post-midterm conferences, midterm reviews, and tenure reviews. The Mentoring Committee will be consulted for any such conference or review. For the pre- or post-midterm conference, conference committees from both X and Y will meet and share their independent evaluations, which will be forwarded to the Provost. For the midterm and tenure reviews, Departmental/Program Review Committees of X and Y will meet separately to deliberate. The Heads and/or Chairs of X and Y then will together compose a letter reflecting the views of both X and Y. For tenure reviews, tenured members of both X and Y will make their individual recommendations. For Lecturers and Senior Lecturers who hold a joint appointment that follows the Collaborative Model, the Heads and/or Chairs of X and Y will each be responsible for organizing independent reappointment and promotion reviews. The Mentoring Committee will be consulted for any such conference or review. For reappointment reviews, conference committees from both X and Y will meet and share their independent evaluations, which will be forwarded to the Provost. For promotion reviews, Departmental/Program Review Committees of X and Y will meet separately to deliberate. The Heads and/or Chairs of X and Y then will together compose a letter reflecting the views of both X and Y. For promotion reviews, tenured members of both X and Y will make their individual recommendations**.** [Rev. 11-9, Board, Feb. 14, 2012, 2014; 22-33 Board May 19, 2023]

Post-tenure reviews, including promotion to full professor, will be conducted similarly but with only full professors of X and Y involved in a promotion recommendation.

M.1.3 Interdisciplinary Program Appointments

If an Interdisciplinary Program has been allocated a position to hire a faculty member whose teaching and research are fundamentally interdisciplinary in nature, or in exceptional circumstances when a candidate's teaching and research are interdisciplinary in nature, such that a courtesy, affiliated, or joint appointment is not appropriate, an Interdisciplinary Program may put a candidate forward for appointment and tenure through that Program. In such cases, the procedures for review and promotion will follow, as closely as possible, the existing procedures outlined in the *Faculty Handbook*, with senior faculty of the Interdisciplinary Program constituting "the department/program." The terms of such an appointment shall be based on a Memorandum of Understanding that specifies the time period of the appointment, faculty privileges and support, responsibilities, and evaluation.

M.1.4 The Memorandum of Understanding

Interdisciplinary appointments of all types are governed by a Memorandum of Understanding that shall be in place at the time an appointment is made.

At the beginning of any interdisciplinary appointment, Department Head(s) and/or Program Chairs prepare a Memorandum of Understanding that specifies the faculty member's privileges, support, responsibilities, and the procedures to be followed related to the faculty member's appointment, mentoring, and review. For new faculty appointments, the Memorandum of Understanding shall be incorporated by reference in the letter of appointment. For a current faculty member who accepts an interdisciplinary appointment, the two departments and/or programs should prepare the Memorandum of Understanding at the time of the appointment. The initial Memorandum of

Understanding and any subsequent changes must be made with the agreement of all relevant parties (faculty member holding interdisciplinary appointment, departments/programs involved) and the Dean of the Faculty. The Memorandum of Understanding becomes part of the faculty member's personnel file. [Rev. 2014]

The key issues a Memorandum of Understanding must address are listed below.

M.1.4.1 Time Period of Appointment

At the initial time of appointment, the time period of an interdisciplinary appointment at the rank of Instructor, Lecturer, Senior Lecturer, Assistant Professor, Associate Professor with or without tenure, or Professor with or without tenure shall be made according to the length of appointment procedures described in *Faculty Handbook* 4.1.5.1.1, 4.1.5.5.1.1, 4.1.5.5.2.1, 4.1.5.2.1, 4.1.5.3.2, and 4.1.5.4.1. The time period for an interdisciplinary appointment of a current faculty member shall be specified within the Memorandum of Understanding**.** [Rev. 11-9, Board, Feb. 14, 2012; 22-33, Board May 19, 2023]

M.1.4.2 Faculty Privileges and Support

The Memorandum of Understanding shall address how the following issues will be handled as necessary depending on the particular type of interdisciplinary appointment: voting rights within department/program; office/laboratory space; research/equipment support; and administrative/secretarial support.

M.1.4.3 Faculty Responsibilities

The Memorandum of Understanding shall specify how the following responsibilities will be determined: courses taught; setting of teaching schedules; service and committee participation (departmental, program, college); and student advising responsibilities. The Dean of the Faculty shall communicate the relevant portions of the terms of the Memorandum of Understanding to the relevant parties (e.g. to the Registrar and the Office of Advising and Co-Curricular Programs for advising duties, to Governance Committee for service eligibility). [Rev. 09-30, 2014; Rev. by Provost at request of Interim Dean of Advising and Co-Curricular Programs]

M.1.4.4 Faculty Evaluation

The Memorandum of Understanding shall specify how and by whom the following matters will be handled: annual evaluation and salary recommendations; pre- and post-midterm conferences; reappointment, midterm, tenure, and promotion reviews; procedure for peer review of teaching; leaves and sabbaticals; judgment of scholarship criteria. The faculty member holding an interdisciplinary appointment and the Head/Chair should address the Memorandum of Understanding in all pre- and post-midterm conferences and midterm, tenure, and promotion reviews, and for Lecturers/Senior Lecturers in the reappointment and promotion reviews**.** [Rev. 11-9, Board, Feb. 14, 2012; 22-33, Board May 19, 2023]

APPENDIX N

LAFAYETTE COLLEGE RESEARCH INTEGRITY POLICY

"POLICY AND PROCEDURES FOR DEALING WITH FRAUD OR MISCONDUCT IN SCHOLARSHIP"
Adopted by the Faculty on March 1, 2005 [04-20]
Approved by the Board of Trustees on May 20, 2005
(Rev. 08-43, 2014, 2019, 2020)

Name Change to "Lafayette College Research Integrity Policy"
Revision adopted by the Faculty on February 24, 2026 [25-18]
Approved by the Board of Trustees on February 28, 2026

General Policies and Principles

Lafayette College ("Lafayette" or "the College") believes that its mission as a community of teacher/scholars and the fundamental integrity of the academic institution are best served when faculty scholarship in all disciplines and subject areas, whether or however funded and wherever pursued, reflect high standards of professional ethics.

The College is committed to upholding the highest standards in research. The College is committed to fostering an environment that promotes research integrity and responsible research activities, condemns research misconduct, and deals promptly with allegations or evidence of possible research misconduct. All institutional members are expected to conduct research with honesty, rigor, and transparency. Each institutional member is responsible for contributing to an organizational culture that establishes, maintains, and promotes research integrity and the responsible conduct of research.

The College strives to reduce the risk of research misconduct, supports all good-faith efforts to report suspected misconduct, promptly and thoroughly addresses all allegations of research misconduct, takes reasonable and effective steps to protect good-faith reporters, witnesses, and committee members from inappropriate breaches of confidentiality and retaliation, and works to rectify the scholarly record and/or restore researchers' reputations, to the best of its ability and as appropriate.

Research misconduct is contrary to the interests of the College, the health and safety of the public, the integrity of research, and the conservation of public funds. Both the College and its institutional members have an affirmative duty to protect those funds from misuse by ensuring the integrity of all research conducted on behalf of the College.

In order to deal with allegations or apparent evidence of research misconduct in a fair, workable, and expeditious manner, the College will employ the following policies and procedures.[13] The College will establish and maintain these policies and procedures, inform all institutional members about these policies and procedures, and make these policies and procedures publicly available. Lafayette is committed to following these policies and procedures when responding to allegations of research misconduct.

For definitions of terms used in this section and elsewhere, see the Definitions section.

Scope and Applicability

These policies and procedures apply to allegations of research misconduct received by the College on or after January 1, 2026, involving scholarly activity in any discipline(s) and subject areas, and whether or not external funding has supported that work.

[13]Lafayette is responsible for ensuring that these policies and procedures for addressing allegations of research misconduct meet all federal requirements (including the US Public Health Service PHS Policies on Research Misconduct (42 C.F.R. Part 93, "the PHS regulation")).

These policies and procedures apply only to research misconduct occurring within six years of the date Lafayette receives an allegation of research misconduct, subject to the following exceptions:

- The six-year time limitation does not apply if the respondent continues or renews any incident of alleged research misconduct that occurred before the six-year period through the use of, republication of, or citation to the portion(s) of the research record alleged to have been fabricated, falsified, or plagiarized, for the potential benefit of the respondent ("subsequent use exception"). This includes when the respondent uses, republishes, or cites to the portions of the research record that are alleged to have been fabricated, falsified, or plagiarized, in submitted or published manuscripts, submitted grant applications, progress reports submitted to funding components, posters, presentations, or other research records within six years of when the allegations were received by the College. For alleged research misconduct that appears subject to this subsequent use exception, but the College determines is not subject to the exception, the College will document its determination that the subsequent use exception does not apply and will retain this documentation for the later of seven years after completion of the institutional proceeding or the completion of any federal proceeding.
- The six-year time limitation also does not apply if the Office of Research Integrity ("ORI") or the College, following consultation with ORI, determines that the alleged research misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public.

These policies and procedures do not supersede or establish an alternative to federal regulation or any existing regulations for handling research misconduct. They do not replace federal regulation, and in case of any conflict between this document and federal regulation, federal regulation will prevail. They are intended to enable the College to handle allegations of research misconduct while complying with the requirements of all applicable federal regulations.

Definitions

Accepted practices of the relevant research community. This term means those practices established by federal regulation and federal funding components, as well as commonly accepted professional codes or norms within the overarching community of researchers and institutions that apply for and receive federal funding.

Administrative record. The administrative record comprises: the institutional record; any information provided by the respondent to ORI or other relevant agency, including but not limited to the transcript of any virtual or in-person meetings between the respondent and ORI, and correspondence between the respondent and ORI; any additional information provided to ORI while the case is pending before ORI; and any analysis or additional information generated or obtained by ORI. Any analysis or additional information generated or obtained by ORI will also be made available to the respondent.

Allegation. This term is a disclosure of possible research misconduct through any means of communication and brought directly to the attention of an institutional or relevant federal official.

Assessment. Assessment means a consideration of whether an allegation of research misconduct appears to fall within the definition of research misconduct and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The assessment only involves the review of readily accessible information relevant to the allegation. Assessment should also consider whether the allegation appears to involve federal agency-supported research, research training, or activities related to that research or research training; such involvement will require reporting to that agency and/or ORI.[14]

Complainant. Complainant means an individual who in good faith makes an allegation of research misconduct.

[14]ORI has offered Assessment Guidance: https://ori.hhs.gov/sites/default/files/2025-09/Assessments%20Guidance_final.pdf

Evidence. Evidence means anything offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact. Evidence includes documents, whether in hard copy or electronic form, information, tangible items, and testimony.

Fabrication. Fabrication means making up data or results and recording or reporting them.

Falsification. Falsification means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

Good faith. (a) Good faith as applied to a complainant or witness means having a reasonable belief in the truth of one's allegation or testimony, based on the information known to the complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if made with knowledge of or reckless disregard for information that would negate the allegation or testimony. (b) Good faith as applied to an institutional or committee member means cooperating with the research misconduct proceeding by impartially carrying out the duties assigned for the purpose of helping an institution meet its responsibilities under this policy and applicable federal regulations. An institutional or committee member does not act in good faith if their acts or omissions during the research misconduct proceedings are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.

Inquiry. Inquiry means preliminary information-gathering and preliminary fact-finding that meets the criteria and follows the procedures that align with federal policy, detailed at 42 C.F.R. § 93.307 through 93.309.

Institution. Institution means any person who applies for or receives federal support for any activity or program that involves the conduct of research, research training, or activities related to that research or training. This includes, but is not limited to, colleges and universities (including Lafayette College), research laboratories, research and development centers, national user facilities, industrial laboratories or other research institutes, research institutions, and independent researchers.

Institutional Deciding Official. Institutional Deciding Official ("IDO") means the institutional official who makes final determinations on allegations of research misconduct and any institutional actions. The same individual cannot serve as the Institutional Deciding Official and the Research Integrity Officer. For the purpose of this policy, at Lafayette College, the IDO is the Provost.

Institutional member. Institutional member and members mean an individual (or individuals) who is employed by, is an agent of, or is affiliated by contract or agreement with the College. Institutional members may include, but are not limited to, officials, tenured and untenured faculty, teaching and support staff, researchers, research coordinators, technicians, postdoctoral and other fellows, students, volunteers, subject matter experts, consultants, or attorneys, or employees or agents of contractors, subcontractors, or sub-awardees.

Institutional record. The institutional record comprises:

(a) The records that the College compiled or generated during the research misconduct proceeding, except records the College did not consider or rely on. These records include but are not limited to (1) documentation of the assessment as required by federal regulation; (2) if an inquiry is conducted, the inquiry report and all records (other than drafts of the report) considered or relied on during the inquiry, including, but not limited to, research records and the transcripts of any transcribed interviews conducted during the inquiry, information the respondent provided to the College, and the documentation of any decision not to investigate as required by federal regulation; (3) if an investigation is conducted, the investigation report and all records (other than drafts of the report) considered or relied on during the investigation, including, but not limited to, research records, the transcripts of each interview conducted pursuant to federal regulation, and information the respondent provided to the College; (4) decision(s) by the Institutional Deciding Official, such as the written decision from the Institutional Deciding Official under federal regulation; (5) the complete record of any institutional appeal consistent with federal regulation;

(b) a single index listing all the research records and evidence that the College compiled during the

research misconduct proceeding, except records the institution did not consider or rely on; and

(c) a general description of the records that were sequestered but not considered or relied on.

Intentionally. To act intentionally means to act with the aim of carrying out the act.

Investigation. Investigation means the formal development of a factual record and the examination of that record that meets the criteria and follows the procedures of the relevant federal regulations detailed at 42 C.F.R. § 93.310 through § 93.317.

Knowingly. To act knowingly means to act with awareness of the act.

Plagiarism. Plagiarism means the appropriation of another person's ideas, processes, results, or words, without giving appropriate credit.

(a) Plagiarism includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another's work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology.

(b) Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a research project. While not recognized under applicable federal regulations as "research misconduct," self-plagiarism and authorship disputes, and misuse of internal funding, are inappropriate at the College, are understood to be unethical, and may be appropriately addressed through the policies and procedures of *Faculty Handbook* Appendix S.

Preponderance of the evidence. Preponderance of the evidence means proof by evidence that, compared with evidence opposing it, leads to the conclusion that the fact at issue is more likely true than not.

U.S. Public Health Service ("PHS") support. PHS support means PHS funding, or applications or proposals for PHS funding, for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or training, that may be provided through funding for PHS intramural research; PHS grants, cooperative agreements, or contracts; subawards[15], contracts, or subcontracts under those PHS funding instruments; or salary or other payments under PHS grants, cooperative agreements, or contracts.

Recklessly. To act recklessly means to propose, perform, or review research, or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.

Research. Research means a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) by establishing, discovering, developing, elucidating, or confirming information or underlying mechanisms related to causes, functions, or effects.

Research Integrity Officer. The Research Integrity Officer ("RIO") refers to the institutional official responsible for administering the College's written policies and procedures for addressing allegations of research misconduct in compliance with federal regulations. For the purpose of this policy, at Lafayette College, the RIO is the Associate Provost of Scholarship, Research, and Academic Initiatives.

Research misconduct. Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. These constitute research misconduct whether committed by an individual directly or through the use or assistance of other persons, entities, or

[15]ORI has offered guidance for Subawards: https://ori.hhs.gov/sites/default/files/2025-09/Subawardee%20Assurances%20Guidance_final_0.pdf

tools, including artificial intelligence (AI)-based tools.[16] Research misconduct does not include honest error[17] or differences of opinion.

Research misconduct proceeding. Research misconduct proceeding means any action related to alleged research misconduct taken under federal regulation, including allegation assessments, inquiries, investigations, federal oversight reviews, and appeals.

Research record. Research record means the record of data or results that embody the facts resulting from scientific, humanistic, interdisciplinary, and other scholarly inquiry. Data or results may be in physical or electronic form. Examples of items, materials, or information that may be considered part of the research record include, but are not limited to, research proposals, raw data, processed data, clinical research records, laboratory records, study records, laboratory notebooks, progress reports, manuscripts, abstracts, theses, records of oral presentations, online content, lab meeting reports, and journal articles.

Respondent. Respondent means the individual against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

Retaliation. Retaliation means an adverse action taken against a complainant, respondent, witness, or committee member by an institution or one of its members in response to (a) a good faith allegation of research misconduct or (b) good faith cooperation with a research misconduct proceeding.

Suspension and Debarment Official. Suspension and Debarment Official ("SDO") means the federal official authorized to impose suspension and debarment, which are the actions that Federal agencies take to disqualify persons deemed not presently responsible from doing business with the Federal Government.

Roles, Rights, and Responsibilities

Institution

Lafayette College's General Responsibilities

The College will make these policies and procedures publicly available and inform all institutional members about these policies and procedures. To the extent possible, the College will limit disclosure of the identity of respondents, complainants, and witnesses while conducting research misconduct proceedings to those who need to know, although, in cases involving federal agencies, this limitation on disclosure no longer applies once the College has made a final determination of research misconduct findings.

The College will respond to each allegation of research misconduct in a thorough, competent, objective, and fair manner. The College will take all reasonable and practical steps to ensure the cooperation of respondents and other institutional members with research misconduct proceedings, including, but not limited to, their providing information, research records, and other evidence. For PHS or other federally supported research, the College agrees to cooperate with ORI during any research misconduct proceeding or compliance review, including addressing deficiencies or additional allegations in the institutional record if directed by ORI and to assist in administering and enforcing any federal administrative actions imposed on institutional members. The College may also take steps to manage published data or acknowledge that data may be unreliable.

Lafayette College's Responsibilities During and After a Research Misconduct Proceeding

Except as may otherwise be prescribed by applicable law, the College will maintain confidentiality of any

[16]NSF revised its policy on research misconduct to include this language about AI-based tools in December, 2025: https://www.nsf.gov/policies/document/pappg24-1-supplement-1#research-misconduct

[17]ORI has offered Honest Error Guidance: https://ori.hhs.gov/sites/default/files/2025-09/Honest%20Error%20Guidance_final.pdf

records or evidence from which research subjects might be identified and will limit disclosure to those who need to know to carry out a research misconduct proceeding. Before or at the time of notifying the respondent of the allegation(s) and whenever additional items become known or relevant, the College will promptly take all reasonable and practical steps to obtain all research records and other evidence and sequester them securely. The College will ensure that the institutional record contains all required elements, i.e., research records that were compiled and considered during the proceedings, assessment documentation, and inquiry and/or investigation reports. Upon completion of the inquiry, the College will add the final report to the institutional record. For research supported by federal funding, when required, the College will provide ORI or the appropriate agency with the complete inquiry and/or investigation reports. The College will maintain the institutional record and all sequestered research records and other evidence in a secure manner for seven years after completion of the institutional and/or federal proceeding.

As stated above, when required by federal policy, the College will provide information related to the alleged research misconduct and proceedings to ORI upon request and transfer custody or provide copies of the institutional record or any component of it and any sequestered evidence to federal agencies, regardless of whether the evidence is included in the institutional record. Additionally, the College will promptly notify ORI of any special circumstances that may arise.

Disclosure of the identity of respondents, complainants, and witnesses while the College is conducting the research misconduct proceedings is limited to those who need to know, which the College will determine consistent with a thorough, competent, objective, and fair research misconduct proceeding, and as allowed by law. When research is federally funded, those who need to know may include, but are not limited to, institutional review boards, journals, editors, publishers, co-authors, and collaborating institutions.

Lafayette College's Responsibilities to the Complainant(s)

The College will provide confidentiality consistent with federal policy[18] to all complainants in a research misconduct proceeding. The College will also take precautions to ensure that individuals responsible for carrying out any part of the research misconduct proceeding do not have unresolved potential, perceived, or actual personal, professional, or financial conflicts of interest with the complainant(s). The College will take all reasonable and practical steps to protect the positions and reputations of good faith complainants and to protect these individuals from retaliation by respondents and/or other institutional members. If the College chooses to notify one complainant of the inquiry results in a case, all complainants will be notified by the College, to the extent possible.

Lafayette College's Responsibilities to the Respondent(s)

As with complainants, the College will provide confidentiality to the greatest extent possible and as specified in federal regulations to all respondents in a research misconduct proceeding. If the matter is moving to an inquiry, the College will make a good-faith effort to notify the respondent(s) in writing of the allegations being made against them. The College will take precautions to ensure that individuals responsible for carrying out any part of the research misconduct proceeding do not have unresolved personal, professional, or financial conflicts of interest with the respondent. The College is responsible for giving the respondent(s) copies of or supervised access to the sequestered research records.

In matters where an inquiry occurs, the College will notify the respondent whether the inquiry found that an investigation is warranted, provide the respondent an opportunity to review and comment on the inquiry report, and attach their comments to the inquiry report.

If an investigation is commenced, the College must notify the respondent, give written notice of any additional allegations raised against them not previously addressed by the inquiry report, and allow the respondent(s) an opportunity to review the witness transcripts. The College will give the respondent(s) an

[18]The relevant participants in any research misconduct assessment process should be educated on this need for confidentiality (42 C.F.R. Part 93, 93.106).

opportunity to read and comment on the draft investigation report and any information or allegations added to the institutional record. The College will give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent.

The College will bear the burden of proof, by a preponderance of the evidence, for making a finding of research misconduct. The College will make all reasonable, practical efforts, if requested and as appropriate, to protect or restore the reputation of respondents against whom no finding of research misconduct is made.

Lafayette College's Responsibilities to Committee Members

The College will take all reasonable steps to ensure that a committee, consortium, or person acting on the College's behalf conducts research misconduct proceedings in compliance with federal regulations. The College will take all reasonable and practical steps to protect the positions and reputations of good-faith committee members and to protect these individuals from retaliation.

Lafayette College's Responsibilities to the Witness[es]

The College will provide confidentiality to the greatest extent possible and as required by federal regulations for all witnesses. The College will take precautions to ensure that individuals responsible for carrying out any part of the proceedings do not have unresolved personal, professional, or financial conflicts of interest with the witnesses. The College will also take all reasonable and practical steps to protect the positions and reputations of witnesses and to protect these individuals from retaliation.

Research Integrity Officer

The Research Integrity Officer ("RIO") is the institutional official responsible for administering the College's written policies and procedures for addressing allegations of research misconduct in compliance with this Policy and applicable federal regulations. The same individual will not serve as both the Institutional Deciding Official ("IDO") and the RIO. For the purposes of this Policy, at Lafayette College, the Research Integrity Officer is the Associate Provost of Scholarship, Research, and Academic Initiatives.

Upon receiving an allegation of research misconduct, the RIO will notify the IDO, and will promptly assess the allegation to determine whether the allegation (a) falls within the definition of research misconduct under this Policy and 42 C.F.R. § 93.234, (b) is within the applicability criteria of 42 C.F.R. § 93.102 and (c) is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If the RIO's assessment is that these requirements are met, an inquiry must be conducted. The RIO at this point must document the assessment, promptly sequester all research records and other evidence consistent with 42 C.F.R. § 93.305(a), and promptly initiate the inquiry. The RIO must keep the IDO apprised of the status of the inquiry, and may consult with the IDO regarding relevant policies.

If, after an assessment, the RIO determines that requirements for an inquiry are not met, they will confirm that decision with the IDO. If the IDO agrees, they will keep sufficiently detailed documentation of the assessment to permit a later review by ORI of the reasons why the College did not conduct an inquiry. The College will keep this documentation and related records in a secure manner for seven years and, when required by federal regulation, provide them to ORI upon request. If either the RIO or the IDO believes that requirements (a), (b), and (c) are met, then an inquiry will be conducted.

Complainant's Role

The complainant is the person who in good faith makes an allegation of research misconduct. The complainant brings research misconduct allegations directly to the attention of an institutional or relevant federal official through any means of communication.

The complainant should only make allegations in good faith, which means, as it is defined in federal regulation, to have a reasonable belief in the truth of one's allegation or testimony, based on the information known to the complainant at the time.

Respondent's Role

The respondent is the individual against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding. The respondent has the burden of going forward with and proving, by a preponderance of evidence, affirmative defenses raised. The respondent's destruction of research records documenting the questioned research is evidence of research misconduct where a preponderance of evidence establishes that the respondent intentionally or knowingly destroyed records after being informed of the research misconduct allegations. The respondent's failure to provide research records documenting the questioned research is evidence of research misconduct where the respondent claims to possess the records but refuses to provide them upon request.

The respondent will not be present during the witnesses' interviews but will be provided a transcript of each interview after it takes place. The respondent will have opportunities to (a) view and comment on the inquiry report, (b) view and comment on the investigation report, and (c) submit any comments on the draft investigation report to the College within 30 days of receiving it.

If admitting to research misconduct, the respondent will sign a written statement specifying the affected research records and confirming the misconduct was falsification, fabrication, and/or plagiarism; committed intentionally, knowingly, or recklessly; and a significant departure from accepted practices of the relevant research community.

Committee and Consortium Members

Committee members (and multi-institution consortium members where applicable) are experts who act in good faith to cooperate with the research misconduct proceedings by impartially carrying out their assigned duties for the purpose of helping the College meet its responsibilities under this Policy and applicable federal regulations. Committee (and consortium) members will be free of real or perceived conflicts of interest with any of the involved parties, and be trained about relevant policies. The Committee convener will ensure that at least one of its members has relevant subject area expertise.

Committee or consortium members or anyone acting on behalf of the College will conduct research misconduct proceedings consistent with this Policy and applicable federal regulations. They will determine whether an investigation is warranted, documenting the decision in an inquiry report. During an investigation, committee or consortium members participate in recorded interviews of each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent(s). They will also determine whether or not the respondent(s) engaged in research misconduct and document the decision in the investigation report. They consider respondent and/or complainant comments on the inquiry/investigation report(s) and document that consideration in the investigation report.

An investigation into multiple respondents may convene with the same investigation committee or consortium members or anyone acting on behalf of the College, but there will be separate investigation reports and separate research misconduct determinations for each respondent. Committee or consortium members may serve for more than one investigation, in cases with multiple respondents. Committee members may also serve for both the inquiry and the investigation.

Witnesses

Witnesses are people whom the College has reasonably identified as having information regarding any relevant aspects of the investigation. Witnesses provide information for review during research misconduct proceedings. Witnesses will cooperate with the research misconduct proceedings in good faith and have a reasonable belief in the truth of their testimony, based on the information known to them at the time.

Institutional Deciding Official

The IDO makes the final determination of research misconduct findings. The IDO cannot serve as the

RIO. The IDO documents their determination in a written decision that includes whether research misconduct occurred, and if so, what kind and who committed it, and a description of the relevant actions the College has taken or will take. The IDO's written decision becomes part of the institutional record. For the purposes of this Policy, at Lafayette College, the Institutional Deciding Official is the Provost.

Procedures for Addressing Allegations of Research Misconduct

Assessment

An assessment's purpose is to determine whether an allegation warrants an inquiry. An assessment is intended to be a review of readily accessible information relevant to the allegation.

Upon receiving an allegation of research misconduct, the RIO will notify the IDO, and will promptly assess the allegation to determine whether the allegation (a) falls within the definition of research misconduct under this Policy and 42 C.F.R. § 93.234, (b) is within the applicability criteria of 42 C.F.R. § 93.102 and (c) is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If the RIO's assessment is that these requirements are met, an inquiry must be conducted. The RIO at this point must document the assessment, promptly sequester all research records and other evidence consistent with 42 C.F.R. § 93.305(a), and promptly initiate the inquiry. The RIO must keep the IDO apprised of the status of the inquiry, and may consult with the IDO regarding relevant policies.

If, after an assessment, the RIO determines that requirements for an inquiry are not met, they will confirm that decision with the IDO. If the IDO agrees, they will keep sufficiently detailed documentation of the assessment to permit a later review by ORI of the reasons why the College did not conduct an inquiry. The College will keep this documentation and related records in a secure manner for seven years and provide them, when required by federal regulation, to ORI upon request. If either the RIO or the IDO believes that requirements (a), (b), and (c) are met, then an inquiry will be conducted.

Inquiry

An inquiry is warranted if, after an assessment, the RIO or IDO concludes that the allegation (a) falls within the definition of research misconduct under this Policy and 42 C.F.R. § 93.234, (b) is within the applicability criteria of 42 C.F.R. § 93.102 and (c) is sufficiently credible and specific so that potential evidence of research misconduct may be identified. An inquiry's purpose is to conduct an initial review of the evidence to determine whether an allegation warrants an investigation. An inquiry does not require a full review of all evidence related to the allegation. The RIO will keep the IDO apprised of the process. The College will complete the inquiry within 90 days of initiating it unless circumstances warrant a longer period, in which case it will sufficiently document the reasons for exceeding the time limit in the inquiry report.

Sequestering Evidence and Notifying the Respondent

Before or at the time of notifying the respondent(s), the College will obtain the original or substantially equivalent copies of all research records and other evidence that are pertinent to the proceeding, inventory these materials, sequester the materials in a secure manner, and retain them for seven years. The College's duty to obtain, inventory, and securely sequester evidence extends to whenever additional items become known or relevant to the inquiry or investigation.

At the time of or before beginning the inquiry, the College will make a good-faith effort to notify the presumed respondent(s), in writing, that an allegation(s) of research misconduct has been raised against them, the relevant research records have been sequestered, and an inquiry will be conducted to decide whether to proceed with an investigation. If additional allegations are raised, the College will notify the respondent(s) in writing. When determined by the College to be appropriate, the College will give the respondent(s) copies of, or reasonable supervised access to, the sequestered materials.

If additional respondents are identified, the College will provide written notification to the new

respondent(s). All additional respondents will be given the same rights and opportunities as the initial respondent. Only allegations specific to a particular respondent will be included in the notification to that respondent.

Convening the Committee and Ensuring Neutrality

The Research Integrity Officer, Chair of the Research Support Committee, and Dean of Faculty comprise the "inquiry committee." If appropriate, the RIO will appoint an additional member to the committee with relevant subject matter expertise and training;[19] the additional member must not be a member of the same Lafayette department or program as the respondent. The additional member may be selected from outside the College if the RIO judges it necessary for the appropriate expertise. The College will ensure that all inquiry committee members understand their role, will keep the identities of respondents, complainants, and witnesses confidential to the greatest extent possible, and will conduct the research misconduct proceedings in compliance with these policies and procedures and applicable federal regulations.

Determining Whether an Investigation Is Warranted

The inquiry committee will engage in preliminary fact-finding and conduct a preliminary review of the evidence. In the process of fact-finding, the inquiry committee may interview the respondent and/or witnesses (which can include the complainant). The purpose of this inquiry is to determine if an investigation is warranted.

An investigation is warranted if (a) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct; and (b) preliminary information gathering and fact-finding from the inquiry indicates that the allegation may have substance. Substantive allegations involving PHS supported biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or research training also require reporting to appropriate federal agencies.

The inquiry committee will not determine if research misconduct occurred, nor assess whether the alleged misconduct was intentional, knowing, or reckless; such a determination is not made until the case proceeds to an investigation.

Documenting the Inquiry

At the conclusion of the inquiry, regardless of whether an investigation is warranted, the inquiry committee will prepare a written inquiry report which, when required by federal regulations, must be shared with ORI. The contents of a complete inquiry report will include:

1. The names, professional aliases, and positions of the respondent and complainant(s).
2. A description of the allegation(s) of research misconduct.
3. Details about any federal funding, including any grant numbers, grant applications, contracts, and publications listing federal support.
4. The composition of the inquiry committee, including name(s), position(s), and subject matter expertise.
5. An inventory of sequestered research records and other evidence and description of how sequestration was conducted.
6. Transcripts of interviews, if transcribed.
7. Inquiry timeline and procedural history.
8. Any scientific or forensic analyses conducted.
9. The basis for recommending that the allegation(s) warrant an investigation.
10. The basis on which any allegation(s) do not merit further investigation.

[19]Relevant subject-matter expertise is helpful, as the definition of research misconduct relies on knowledge of "accepted practices of the relevant research community." Depending on the specifics of the allegation, "relevant expertise and training" may also include methodological, policy, or investigative expertise; such a member of the inquiry or investigation committee may be internal or external, and may be faculty or staff.

11. Any comments on the inquiry report by the respondent or the complainant(s).
12. Any institutional actions implemented, including internal communications or external communications with journals or funding agencies.
13. Documentation of potential evidence of honest error or difference of opinion.

Completing the Inquiry

The College will notify the respondent of the inquiry's final outcome and provide the respondent with copies of the final inquiry report, any relevant PHS or other federal regulation, and these policies and procedures. The College may, but is not required to, notify a complainant whether the inquiry found that an investigation is warranted. If the College provides notice to one complainant in a case, it must provide notice, to the extent possible, to all complainants in the case. The RIO will transmit the final inquiry report and any comments to the IDO, who will make the final determination in writing of whether findings from the inquiry provide sufficient evidence of possible research misconduct to justify conducting an investigation.

If an Investigation Is Not Warranted:

If the IDO determines that an investigation is not warranted, the College will keep sufficiently detailed documentation to permit a later review by ORI of why the College did not proceed to an investigation, store these records in a secure manner for at least seven years after the termination of the inquiry, and, when required by federal regulation, provide them to ORI upon request.

If an Investigation is Warranted:

If the IDO determines that an investigation is warranted, the College must: (a) before the investigation begins, and within a reasonable amount of time after this decision, provide written notice to the respondent(s) of the decision to conduct an investigation of the alleged misconduct, including any allegations of research misconduct not addressed during the inquiry; and (b) within 30 days of determining that an investigation is warranted, provide ORI with a copy of the inquiry report, when required by federal regulation.

On a case-by-case basis and in its sole discretion, the College may choose to notify the complainant that there will be an investigation of the alleged misconduct and, if it does so, is required to take the same notification action for all complainants in cases where there is more than one complainant. An investigation must begin within 30 days of deciding the investigation is warranted.

Investigation

The purpose of an investigation is to formally develop a factual record, pursue leads, examine the record, and recommend finding(s) to the IDO, who will make the final determination of research misconduct findings. Within a reasonable amount of time after deciding an investigation is warranted, if the allegation involves federally funded research, such as PHS supported biomedical or behavioral research, biomedical or behavioral research training, or activities related to such research or research training, the College will notify the appropriate federal agency of the decision to investigate and begin the investigation. If during the investigation additional instances of possible research misconduct are identified, the College is obligated to pursue diligently all such significant issues and leads, notifying the respondent in writing of the additional allegations raised against them.[20]

Notifying the Respondent and Sequestering Evidence

The College will notify the respondent(s) of the allegation(s) within a reasonable amount of time after determining that an investigation is warranted and before the investigation begins. If any additional respondent(s) are identified during the investigation, the College will notify them of the allegation(s) and

[20]ORI has offered guidance on Pursuing Leads: https://ori.hhs.gov/sites/default/files/2025-09/Admissions%20Guidance_final.pdf

provide them an opportunity to respond consistent with 42 C.F.R. § 93.310. If the College identifies additional respondents during the investigation, it may choose to either conduct a separate inquiry or add the new respondent(s) to the ongoing investigation, although separate investigation reports and research misconduct determinations are still required for each respondent. The College will obtain the original or substantially equivalent copies of all research records and other evidence, inventory these materials, sequester them in a secure manner, and retain them for seven years after the conclusion of its proceeding or any federal proceeding, whichever is later.

Convening an Investigation Committee

The investigation committee is typically composed of five faculty members: the Chair of Appeals & Grievance (A&G); two additional people from A&G (selected by the Chair); and two additional members (selected by the 3 members from A&G to ensure appropriate expertise). Committee members cannot have unresolved personal, professional, or financial conflicts of interest relevant to the investigation. Committee members may also have been members of the inquiry committee, but they must not be members of the same Lafayette department or program as the respondent. If necessary to ensure the appropriate expertise, one of the additional members may be selected from outside the College. After vetting investigation committee members for conflicts of interest and ensuring the participation of at least some members with appropriate subject matter expertise, the RIO, in the RIO's sole discretion, will convene the committee and ensure that the members understand their responsibility to conduct the research misconduct proceedings in compliance with this Policy and federal regulations. The investigation committee will conduct interviews, pursue leads, and examine all research records and other evidence relevant to reaching a decision on the merits of the allegation(s). The College will use diligent efforts to ensure that the investigation is thorough, sufficiently documented, and impartial and unbiased to the maximum extent practicable. The College will notify the respondent in writing of any additional allegations raised against them during the investigation.

Conducting Interviews

The investigation committee will interview each respondent, complainant(s), and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent. The College will number all relevant exhibits and refer to any exhibits shown to the interviewee during the interview by that number. The College will record and transcribe interviews during the investigation and make the transcripts available to the interviewee for correction. The College will include the transcript(s) with any corrections and exhibits in the institutional record of the investigation. The respondent cannot be present during the witnesses' interviews, but the College will provide the respondent with a transcript of each interview, with redactions as appropriate to maintain confidentiality to the extent possible.

Documenting the Investigation

Within 180 days, the investigation committee will conduct the investigation, prepare the draft investigation report for each respondent, and provide the opportunity for respondents to comment. Also within 180 days, the College will document the IDO's final decision and transmit the institutional record (including the final investigation report and IDO's decision) to ORI when required by federal regulation. If the investigation committee determines that it will be unable to complete these steps within 180 days, the College must ask ORI in writing for an extension, including the circumstances and issues warranting additional time. If the investigation ultimately takes more than 180 days to complete, the investigation report must document the reasons for exceeding the 180-day period.

The draft investigation report for each respondent will include:

1. Description of the nature of the allegation(s) of research misconduct, including any additional allegation(s) addressed during the research misconduct proceeding.
2. Description and documentation of any federal support, including any grant numbers, grant applications, contracts, and publications listing federal support. This documentation includes known applications or proposals for support that the respondent has pending with PHS and non-PHS federal agencies.

3. Description of the specific allegation(s) of research misconduct for consideration in the investigation of the respondent.
4. Composition of the investigation committee, including name(s), position(s), and subject matter expertise.
5. Inventory of sequestered research records and other evidence, except records the College did not consider or rely on. This inventory will include manuscripts and funding proposals that were considered or relied on during the investigation. The inventory will also include a description of how any sequestration was conducted during the investigation.
6. Transcripts of all interviews conducted.
7. Identification of the specific published papers, manuscripts submitted but not accepted for publication (including online publication), federal funding applications, progress reports, presentations, posters, or other research records that contain the allegedly falsified, fabricated, or plagiarized material.
8. Any scientific or forensic analyses conducted.
9. A copy of these policies and procedures.
10. Any comments made by the respondent and complainant(s) on the draft investigation report and the committee's consideration of those comments.
11. A statement for each separate allegation of whether the committee recommends a finding of research misconduct, including divergent views and summarizing the vote.

If the committee recommends a finding of research misconduct for an allegation, the draft investigation report will present a finding for that allegation. Each such finding will (a) identify the individual(s) who committed the research misconduct; (b) indicate whether the misconduct was falsification, fabrication, and/or plagiarism; (c) indicate whether the misconduct was committed intentionally, knowingly, or recklessly; (d) identify any significant departure from the accepted practices of the relevant research community and state that the allegation was proven by a preponderance of the evidence; (e) summarize the facts and analysis supporting the conclusion and consider the merits of any explanation by the respondent; (f) identify the federal support, if any; and (g) state whether any publications need correction or retraction. The committee may recommend appropriate sanctions and/or institutional actions. Examples of sanctions include, but are not limited to, the following: letter of reprimand, suspension from the College, dismissal from the College, demotion, salary reduction, restrictions on research activities, and monitoring of future work.

If the investigation committee does *not* recommend a finding of research misconduct for an allegation, the draft investigation report will provide a detailed rationale for its conclusion.

The investigation committee should also provide a list of any current support or known applications or proposals for support that the respondent has pending with PHS and non-PHS federal agencies.

Completing the Investigation

The College will give the respondent a copy of the draft investigation report and, concurrently, a copy of, or supervised access to, the research records and other evidence that the investigation committee considered or relied on. The respondent will submit any comments on the draft report to the College, through the investigation committee, within 30 days of receiving the draft investigation report. If the College chooses to share a copy of the draft investigation report or relevant portions of it with the complainant(s) for comment, the complainant's comments must be submitted within 30 days of the date on which they received the draft report. The investigation committee will then create a final investigation report, to which shall be appended any comments received on the draft investigation report.

IDO Review of the Final Investigation Report

The IDO will review the final investigation report and may request additional information from the investigation committee. After doing so, the IDO will make a final written determination of whether the

College found research misconduct and, if so, who committed the misconduct. If the IDO determines that research misconduct is substantiated by the findings, the IDO will decide on the appropriate actions to be taken, after consultation with other appropriate officials (e.g. College Counsel or Human Resources). The IDO will state the outcome and the relevant institutional actions in their final written determination; if either of these diverges from the recommendations of the investigation committee, the IDO will explain in detail the basis for rendering a decision different from the findings of the investigation committee.

An appropriate institutional action for research misconduct could include sanctions. Sanctions for research misconduct will be based on the seriousness of the misconduct, including but not limited to, the degree to which the misconduct: a) was intentional, knowing or reckless; b) was an isolated event or part of a pattern; and c) had significant impact on the research record, research participants, other researchers, or the public welfare. Dismissal or suspension of a Faculty member can be recommended by the IDO, but can be effectuated only by a vote of the Board of Trustees after consultation with the College President.

Appeal

The respondent may appeal the College's findings of research misconduct or institutional actions within 20 days after the IDO's final written determination. The appeal shall be heard by the appeal committee, which is composed of two A&G members who did not participate in the investigation committee. Those two A&G members, in turn, appoint three additional faculty members, ensuring at least one committee member has appropriate subject-area expertise. The additional members must not be members of the same Lafayette department or program as the respondent, and must not have participated in the inquiry or investigation committees. The appeal committee shall give deference to the decision of the IDO and shall not re-investigate or revisit the underlying facts.

An appeal may only be granted on one of three grounds: 1) a material deviation from the process set forth in this Policy; 2) a legitimate and documented personal, professional or financial conflict of interest, relevant to the investigation, that was timely raised by the respondent at an earlier stage in the process but was not appropriately resolved; or 3) the discovery of new evidence by the respondent that could not have been provided at an earlier point in the process. Should an appeal be granted, the appeal committee has complete discretion to decide whether the issue should be sent to the IDO for additional consideration or re-evaluation (after which the IDO shall report any changes in their findings or suggested action), or whether additional investigation is required. A respondent shall only have one opportunity to appeal. If the respondent appeals, the College must promptly notify ORI when required by federal regulations, and shall not transmit the institutional record until the appeal is concluded.

Creating and Transmitting the Institutional Record

After the IDO has made a final determination of research misconduct findings, the College will add the IDO's written decision to the investigation report and organize the institutional record in a logical manner.

The institutional record shall consist of the records that were compiled or generated during the research misconduct proceeding, except records the College did not rely on. These records include documentation of the assessment, a single index listing all research records and evidence, the inquiry report and investigation report, and all records considered or relied on during the investigation. The institutional record also includes the IDO's final decision and any information the respondent provided to the College. The institutional record must also include a general description of the records that were sequestered but not considered or relied on. All records will be maintained by the RIO and the College's Academic Affairs Manager.

If the respondent filed an appeal, the complete record of any institutional appeal also becomes part of the institutional record.

Other Procedures and Special Circumstances

Multiple Institutions and Multiple Respondents

If the alleged research misconduct involves multiple institutions, the College may work closely with the other affected institutions to determine whether a joint research misconduct proceeding will be conducted. If so, the cooperating institutions will choose an institution to serve as the lead institution. In a joint research misconduct proceeding, the lead institution will obtain research records and other evidence pertinent to the proceeding, including witness testimony, from the other relevant institutions. By mutual agreement, the joint research misconduct proceeding may include committee members from the institutions involved. The determination of whether further inquiry and/or investigation is warranted, whether research misconduct occurred, and the institutional actions to be taken may be made by the institutions jointly or tasked to the lead institution.

If the alleged research misconduct involves multiple respondents, the College may either conduct a separate inquiry for each new respondent or add them to the ongoing proceedings. The College must give additional respondent(s) notice of and an opportunity to respond to the allegations.

Respondent Admissions

When required by federal regulation, the College will promptly notify ORI in advance if at any point during the proceedings (including the assessment, inquiry, investigation, or appeal stage) it plans to close a research misconduct case because the respondent has admitted to committing research misconduct or a settlement with the respondent has been reached. If the respondent admits to research misconduct, and the case is guided by federal regulation, the College will not close the case until providing ORI with the respondent's signed, written admission. The admission must state the specific fabrication, falsification, or plagiarism that occurred, which research records were affected, and that it constituted a significant departure from accepted practices of the relevant research community. When the case is guided by federal regulation, the College must not close the case until giving ORI a written statement confirming the respondent's culpability and explaining how the College determined that the respondent's admission fully addresses the scope of the misconduct and receiving ORI approval to close or conditionally close the case.[21]

Other Special Circumstances

At any time during misconduct proceedings, when the research involves federal funding, the College will immediately notify ORI if any of the following circumstances arise:

1. Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
2. Relevant federal agency resources or interests are threatened.
3. Research activities should be suspended.
4. There is reasonable indication of possible violations of civil or criminal law.
5. Federal action is required to protect the interests of those involved in the research misconduct proceeding.
6. It is necessary to safeguard evidence and protect the rights of those involved.

Records Retention

The College, and specifically the Academic Affairs manager, will maintain the institutional record and all sequestered evidence, including physical objects (regardless of whether the evidence is part of the institutional record), in a secure manner for seven years after the completion of the proceeding or the completion of any further proceeding, whichever is later, unless custody has been transferred to a federal agency.

[21]ORI has offered Admissions Guidance: https://ori.hhs.gov/sites/default/files/2025-09/Admissions%20Guidance_final.pdf

APPENDIX O

LAFAYETTE COLLEGE
INSTITUTIONAL ANIMAL CARE AND USE GUIDELINES

[92-32], Approved by the Board of Trustees on October 30, 1993
[Rev. 00-19, 00-20] Approved by the Faculty on April 3, 2001
Approved by the Board of Trustees on October 27, 2001
[Rev. 02-3], Approved by the Board of Trustees on October 19, 2002

O.1 Introduction

The Animal Welfare Act (P.L. 89-544, as amended by P.L. 91-579 and P.L. 94-279 and administered by the United States Department of Agriculture) and other applicable state and local laws serve to provide guidance in the use of animals for research, educational, and instructional purposes. An important document in this area is Guide for the Care and Use of Laboratory Animals (NIH Publication No. 86-23, revised 1996) prepared by the Institute of Laboratory Animal Resources, National Research Council, 2101 Constitution Avenue, NW, Washington, DC 20418. According to the Guide, the term "animal" is defined as any vertebrate. [Rev. 00-19]

The establishment of an Institutional Animal Care and Use Committee (IACUC) at Lafayette is an important means of ensuring the humane treatment of animals and adherence to applicable government regulations. What follows is a description of the organization and duties of the Committee, procedures for the development of research and teaching proposals, and, finally, guidelines for the maintenance of these animals at Lafayette College.

O.2 The Institutional Animal Care and Use Committee (IACUC)

O.2.1 Membership

The Institutional Animal Care and Use Committee (IACUC) at Lafayette is an administrative committee and its members are appointed by the Provost. Terms of appointment shall be no longer than three years but may be shorter. The Committee shall consist of not less than five members and shall include:

O.2.1.1 One faculty member who is a practicing scientist with experience in research involving animals.

O.2.1.2 A doctor of veterinary medicine.

O.2.1.3 A member whose primary concerns are in a nonscientific area (for example, ethicist, lawyer, member of the clergy).

O.2.1.4 A member who is not affiliated with the institution in any way other than as a member of the IACUC and is not a member of the immediate family of a person who is affiliated with the institution.

O.2.1.5 Other persons as required by federal, state or local laws or institutional needs.

O.2.1.6 The Director of Sponsored Research, *ex officio*. [Rev. 08-43, 2014, 2019]

The Chair of the IACUC, selected by the Provost, is responsible for maintaining documentation of the IACUC. The Chair will notify applicants for IACUC review of necessary changes, approval, or disapproval

in writing (see below). All applications for research approval will be forwarded to the Director of Sponsored Research after a decision is made. [Rev. 08-43, 2014, 2019]

O.2.2 Duties

The duties of The Institutional Animal Care and Use Committee at Lafayette shall include:

O.2.2.1 Review at least once every academic year the institution's program for humane care and use of animals, using the Guide for the Care and Use of Laboratory Animals as a basis for evaluation.

O.2.2.2 Inspection at least once every six months of all of the institution's animal facilities using the Guide as a basis for evaluation.

O.2.2.3 Submission of an annual report to the Director of Sponsored Research. *[Rev. 08-43, 2014, 2019]*

O.2.2.4 A review of concerns involving the care and use of animals at the institution.

O.2.2.5 The presentation of recommendations to the Director of Sponsored Research regarding any aspect of the institution's animal use program, facilities, or personnel training. *[Rev. 08-43, 2014, 2019]*

O.2.2.6 The review and approval of all proposed research and instructional project protocols employing animals, as defined by the Guide for the Care and Use of Laboratory Animals, to determine if the projects are in accordance with the policies as established in the Guide. The Committee's power to approve the use of animals in research or teaching is confined to the requirements of federal, state and local law. The Committee may only withhold approval for the use of animals that, in its opinion, is in violation of law.

O.2.2.7 Review and approval of change in the use of animals in previously approved project.

O.3 Guidelines for Research and Instructional Proposals

Proposals for research and instruction involving mammals and birds must be approved by the Committee before such projects can take place. Therefore, all animal use must be approved by the IACUC prior to the initiation of procedures. In the case of research proposals to be submitted to outside agencies (e.g., NIH), the IACUC must review the protocols for animal use prior to the submission of the proposal. The Committee will accept proposals at any time and will act on them monthly.

All honors projects or advanced research projects conducted by students which use animals in their procedures need to be approved by the IACUC before they can begin. Similarly, laboratory projects using animals that are part of course requirements must be reviewed by the IACUC. However, instructors who require students to develop short-term independent projects within general content courses (i.e., not Honors or Advanced Research) can submit to the Committee the internal procedure by which the instructor will approve these small research projects.

O.3.1 Procedures for Submission for IACUC Review

O.3.1.1 Complete the Request for IACUC Review Form available on-line on the College website. All requested information must be provided and follow the format of the form. [Rev. 08-43, 2014, 2016]

O.3.1.2 Student research and research activities that are included as part of a course must be accompanied by a statement from the supervising professor indicating that the supervising professor has reviewed the guidelines for animal research and approve of the methods being employed.

O.3.1.3 Investigators should submit all information 30 days in advance of the anticipated data collection phase. In the case of grant proposals, materials must be submitted to the IACUC 30 days in advance of the agency submission deadline.

O.3.2 Basis for IACUC Review

The following items will be considered by the IACUC in its review of proposals:

O.3.2.1 Significance of the research or teaching approach

O.3.2.2 Appropriateness of the use of animals in light of possible alternatives

O.3.2.3 Appropriateness of the species of animal chosen and the number of animals needed

O.3.2.4 Research procedures to be employed

O.3.2.5 Techniques proposed for minimizing pain and distress

O.3.2.6 Euthanasia techniques

O.3.2.7 Availability of veterinary care for the animals

O.3.2.8 Personnel qualifications

O.3.2.9 Program(s) for training those persons involved in the care and maintenance of the animals

O.3.2.10 Environmental conditions of the laboratory and housing facility.

The IACUC is responsible for attending to concerns raised in the review of protocols for animal use. A concern expressed by the majority of the Committee that the proposed use of animals is not in compliance with law will prohibit the use of animals for that particular purpose until the concerns can be alleviated to the satisfaction of the Committee. When necessary, the Committee may consult with "experts" in the field on procedural questions. The Committee will make a good faith effort to discuss their concerns with the primary investigator and help the primary investigator amend their procedures so as to ameliorate the Committee's concerns. If the primary investigator is unable to amend their procedures to meet the concerns of the Committee, the IACUC has the authority to suspend or terminate approval of research that is not being conducted in accord with federal, state and local guidelines. Such action will be accompanied by a written statement of the reasons for this action which will be sent to the primary investigator, the Provost's Office, and any sponsoring agency.

An investigator whose use of animals is not approved by the Committee may appeal that decision to the Provost. The Provost may reject the appeal or may ask the Committee to reconsider its decision. [Rev.02-3]

Once a protocol has been approved by the IACUC, any significant changes in that protocol must be approved by the IACUC before those changes are instituted.

All on-going research or teaching programs using animals must be re-evaluated by the IACUC once every three years. The re-evaluation procedure will be the same procedure as described above. [Rev. 00-20]

O.4 Guidelines for Maintenance of Animals

Records of all use and maintenance activities involving animals must be kept on a routine basis. These records will be made available to the Director of Sponsored Research and/or the IACUC upon request. The records should include information on: [Rev. 08-43, 2014, 2019]

O.4.1 Type of housing (e.g., cages and their dimensions)

O.4.2 Feeding and watering

O.4.3 Experimental procedures performed

O.4.4 Medications or other treatment procedures

O.4.5 Cage cleaning and other routine maintenance activities

O.4.6 Environmental conditions of the facility (e.g., temperature and humidity)

APPENDIX P

INSTITUTIONAL REPOSITORY ON FACULTY SCHOLARLY ARTICLES

Adopted by the Faculty on April 5, 2011 [10-29]

The Faculty of Lafayette College is committed to disseminating the fruits of its research and scholarship as widely as possible. Each faculty member grants to Lafayette College permission to make available their scholarly articles in the College's institutional repository as allowed by copyright agreements. This resolution applies to all scholarly articles authored or co-authored while the person is a member of the Faculty except for any articles completed before the adoption of this resolution and any articles for which the faculty member entered into an incompatible licensing or assignment agreement before the adoption of this resolution. The Provost or the Provost's designate will waive application of the resolution for a particular article or for all articles by a particular author upon written request by a faculty member.

Faculty members are encouraged to reserve their rights under copyright to allow the College to provide open access to as many scholarly articles as possible. Faculty members are further encouraged to provide an electronic version of their scholarly articles to the Library as of the date of publication for deposit in the Lafayette Digital Repository.

The Provost's Office, in consultation with the Information Technology and Library Committee, is responsible for interpreting this resolution, resolving any disputes concerning its interpretation and application, and recommending changes to the Faculty. Library staff are responsible for checking publishers' policies and depositing articles in the repository. The resolution is effective at the start of the 2011-12 academic year and will be reviewed at the end of the 2014-15 academic year by the Information Technology and Library Committee, with a report to the Faculty in fall of 2015.

APPENDIX Q

INFORMATION TECHNOLOGY: STATEMENT OF CONFIDENTIALITY, PRIVACY, AND SECURITY

[00-21, 05-11, 06-5]

Lafayette College cherishes freedom of expression and the value of privacy for all members of the Lafayette community. Private communication via computer is treated with the same degree of protection as other forms of private communication.

Information Technology Services (ITS) provides reasonable security measures against intrusion and damage to files stored on the central computing facilities. Current technology, however, is not capable of providing complete protection against unauthorized access. Therefore, the confidentiality of e-mail and other system files cannot be assured. In addition, members of the ITS staff may inadvertently see the contents of e-mail or user files due to address errors or as a result of maintaining the system. In such cases, ITS staff members are required to keep the contents of e-mail messages and user files confidential.

Users should be aware that e-mail is a written record and, once delivered, enters the control of the recipient and like other written documents may be admissible as evidence in internal and external proceedings. Messages and/or user files that have been deleted may be retained on the College's system backup files as part of standard computing services procedures. All users should be aware of the system limitations and use reasonable caution when transmitting confidential materials.

Q.1 College Privileges

By attaching personal computers or other devices to the College's network, users consent to College use of scanning programs for security purposes on those resources while attached to the network.

Information technology systems routinely log user actions in order to facilitate recovery from system malfunctions and for system management purposes. The logs of user actions or other information obtained by the scanning programs for security purposes should be treated as confidential in the same manner that user files and e-mails are treated as confidential. ITS is required to post policies and procedures concerning logging of user actions, including the extent of individually-identifiable data collection, data security, and data retention.

Q.2 Conditions of College Access

ITS endeavors to respect the privacy of all users, but cannot guarantee it. Members of ITS staff are forbidden to log on to a user account or to access a user's files unless the user gives explicit permission. Exceptions to this privacy policy are made, however, under the following conditions:

a. when required to do so to preserve public health and safety;

b. when necessary to preserve or restore system integrity or security;

c. when required by federal, state, or local law; or

d. when there are reasonable grounds to believe that system resources are being used in violation of law or College policy.

If any of the conditions described above is present, the Vice President and Chief Information Officer and one other senior officer of the College—the Provost (for faculty users), the Vice President for Student Life

(for student users), or the Executive Vice President for Finance and Administration (for administrative or staff users)—must agree that there is sufficient cause to review a file or e-mail message before it can be accessed without the user's permission. The appropriate senior officer of the College shall preserve this agreement in writing, identifying the sufficient cause and the file(s) or message(s) to be accessed. Once sufficient cause has been established, the appropriate senior officer of the College and the Vice President and Chief Information Officer may then have access to the file(s) or message(s). Information obtained in this manner is admissible in legal proceedings or in a College hearing. At the earliest possible opportunity that is lawful and consistent with other College policy, the appropriate senior officer of the College shall notify the affected individual of the action(s) taken and the reason for the action(s) taken**.** [Rev. 2011; 2023]

Q.3 Periodic Review

The three senior officers of the College and the Vice President and Chief Information Officer shall report annually to the *Strategy, Policy, and Operations Committee* on the effectiveness of this policy. [Rev. 2011, 2024, 2026]

APPENDIX R

PREFERENTIAL VOTING

Added 2005

Some Faculty elections involve choosing among several candidates for each open position. In such elections preferential ballots are used; that is, each voter is asked to rank the candidates (see 5.3.5.1).

According to Arrow's theorem, there is no single ideal way to count preferential ballots; a simple example will illustrate this fact. Suppose three candidates, X, Y, and Z, are involved in an election, and 100 voters cast preferential ballots.

a. X receives 60 first-place votes and 40 third-place votes

b. Y receives 40 first-place votes and 60 second-place votes

c. Z receives 40 second-place votes and 60 third-place votes

Who should win the election? Candidate X has the support of the majority, but the "average voter" prefers Y (average score 1.6) over X (average score 1.8). Either X or Y could reasonably be declared to be the winner.

Because there is no ideal way to count preferential ballots, several different reasonable systems have been proposed in the literature. Some of these systems are fairly simple, e.g., "the candidate with the most first-place votes wins" or "the candidate with the best average vote wins"; the latter is referred to as the Borda winner.

Other systems are more complicated. For instance, in the Copeland system a single election with n candidates is treated as a set of simple two-candidate elections, pitting the candidates against each other individually. These individual two-candidate elections are called "pairwise elections"; there are $(n^2 - n)/2$ of them. A pairwise election is decided by counting each voter's ballot as that ballot applies to that election: a single vote is given to the one of the two candidates who is more preferred by that voter. In the example mentioned above, X defeats Y 60–40 and X defeats Z by the same 60–40 score. To analyze the pairwise election between Y and Z, the 40 ballots on which Y is mentioned first must be the same 40 ballots on which Z is mentioned second, because Y is second whenever Y is not first; consequently, Y defeats Z 100–0. The Copeland winner is the candidate for whom the quantity (number of pairwise elections won minus number of pairwise elections lost) is greatest; in the example this would be candidate X, who has won two pairwise elections and lost none.

The Copeland system and the Borda system are both reasonable ways of deciding preferential elections, but the two systems have somewhat different personalities: in the Borda system the vehemence of a voter's preferences is considered to be represented by the numbers the voter writes on the ballot, while the Copeland system deals instead with the system of one-against-one preferences the ballot indicates. In the example, the Copeland winner is X, but because of the large number of third-place votes X receives, the Borda winner is Y.

The preferential system used by the Lafayette College Faculty is a hybrid of the Copeland and Borda systems, with a complicated set of tie-breaking rules. If there is a single Copeland winner and a single Borda winner, the winner of the pairwise election between these two is declared the winner of the election, with a tie going to the Copeland winner. If there are several candidates tied as Copeland winners and there is a single Borda winner, the single Borda winner is declared to be the winner of the election. Copeland ties are fairly common, because there are not many possible Copeland scores (each candidate's Copeland score is an integer between $1 - n$ and $n - 1$); on the other hand, Borda ties are fairly rare, as they can occur only when two or more candidates receive exactly the same average vote. In the rare instance when there are candidates tied as Borda winners and a single Copeland winner, then

those Borda winners who lose or tie their pairwise elections to the Copeland winner are eliminated from contention. If this leaves only the Copeland winner, then the Copeland winner is declared the winner of the election; if this leaves an individual tied Borda winner who also wins the pairwise contest against the Copeland winner, then that individual Borda winner is declared the winner of the election. In the extremely unlikely event that there are several tied Borda winners who defeat the Copeland winner in their pairwise elections, the election is referred to the President.

The complicated details of the tie-breaking decisions used in this system should not obscure the fact that it takes into account the information provided by the preferential ballots in a fairly reasonable way, given that no ideal system can exist.

Some comments on the nature of preferential ballots may be helpful. In the simple example above, each voter submitted a ballot in which they indicated a single first-place preference, a single second-place preference, and a single third-place preference. In practice, it may not happen that a voter has such clear-cut preferences. For instance, Y and Z may seem equally undesirable to a voter who believes X to be the best candidate; this voter may want to submit a ballot on which Y and Z are tied in second place or in third place, and on which X is alone in first place or second place, whichever best indicates the voter's judgment. There is also an idiosyncratic tradition of Lafayette's preferential voting system: a blank space is interpreted as being worse than last place.

R.1 Frequently Asked Questions

Q: Why not simply say the candidate with the most first-place votes wins?

A: Although this would have the advantage of simplicity, it would not reflect the sentiments of the voting body in many examples. Suppose for instance that in the example discussed earlier, candidate X had 41 first-place votes and 59 third-place votes, Y had 40 first-place votes and 60 second-place votes, and Z had 19 first-place votes, 40 second-place votes, and 41 third-place votes. It would seem unreasonable to declare X the winner when 59 out of 100 voters prefer Y to X and the same 59 prefer Z to X.

Q: How can I vote so as to maximize a candidate's chance of winning?

A: In general, voters should simply submit a ballot that reflects their judgments of the candidates as accurately as possible; our vote-counting system will read this in a reasonable way. The voter asking this question probably feels that there is only one very good candidate in the field, and the voter's ballot should reflect that sentiment; for instance, the voter may give the preferred candidate a vote of "1" and all other candidates' votes of n+1. (This ballot is interpreted thus: "In my opinion there is one excellent candidate and all the rest are terrible.")

Notice that such a ballot has a strong impact on the Borda tally of the election but does not contribute any information at all to pairwise elections not involving the preferred candidate, as if the voter were abstaining from them. Consequently, the ballot may be "wasted"—that is, if this voter's preferred candidate doesn't win the election, this ballot will not contribute at all to the outcome.

Q: How can I vote so as to minimize a candidate's chance of winning?

A: Again, a voter should simply submit a ballot that reflects their judgments of the candidates as accurately as possible. In this case, the voter probably wants to give one candidate a much worse vote than any of the other candidates.

Q: What should I do if I have no opinion about a candidate?

A: Vote-counting systems are not designed to compensate for the ignorance of the voters who participate in them, only to try to use the voters' expressed preferences to come to conclusions in reasonably fair ways. The voter who has no opinion about a candidate may wish to give that candidate an "average"

rating, remembering that if the space on the ballot is left blank, that will be interpreted as indicating the lowest possible ranking.

APPENDIX S

FORMAL PROCEDURE FOR A CASE OF POSSIBLE DISMISSAL, OR OF POSSIBLE SUSPENSION,[22] OF A FACULTY MEMBER FROM THE COLLEGE FOR MISCONDUCT OTHER THAN THAT COVERED BY EITHER APPENDIX B OR N

Adopted by the Faculty on April 6, May 4, and May 20, 2004 [03-24]
Approved by the Board of Trustees on October 2, 2004 and January 29, 2005
Revision approved by the Faculty on October 5, 2004 [04-2]

S.1 If a faculty member has been accused of misconduct that might warrant dismissal or suspension from the College, other than acts covered in Appendices B and N, the Provost shall be responsible for promptly investigating the matter to determine whether there is a reasonable basis for concluding that dismissal or suspension is warranted. The Provost shall inform the faculty member about the investigation, and about the accusations or any other reasons necessitating it, and shall give the faculty member the opportunity to respond to the allegations. During the investigation, every reasonable effort shall be made to protect the privacy rights of all parties, but confidentiality cannot be guaranteed. If the cause for possible dismissal or suspension is an alleged act of misconduct against the Provost, the EEO officer of the College shall act in place of the Provost in conducting the investigation and in performing all other responsibilities assigned to the Provost in this procedure.

S.2 Following the investigation, the Provost shall determine whether there is a reasonable basis for concluding that dismissal or suspension is warranted. If the determination is affirmative, the Provost shall attempt to negotiate a settlement with the accused faculty member. If a negotiated settlement cannot be reached and the Provost has determined that there is a reasonable basis to conclude that dismissal or suspension from the College is warranted, the Provost shall provide the faculty member with a written report describing the Provost's conclusions, including a statement of reasons for the dismissal or suspension. The faculty member may choose to accept the dismissal or suspension at this stage, or the faculty member may inform the Provost that the faculty member wishes to have the case presented to a Hearing Committee. If the faculty member chooses to have the case presented to a Hearing Committee, the faculty member will, within 10 calendar days after receiving the Provost's report, file a written response to the report.

S.3 Upon receipt of the response, the Provost shall inform the Chair of the Appeal and Grievance Committee about the general nature of the case in order that a Hearing Committee can be formed. The Hearing Committee shall be comprised of five tenured faculty. The Chair shall appoint any three of the five members of the Appeal and Grievance Committee to serve on the Hearing Committee, and those three members shall then select the other two members of the Hearing Committee from outside the Appeal and Grievance Committee. Prior to the actual appointment of members of the Hearing Committee at each of the two stages, the Provost shall be consulted to ensure that no proposed member is involved in the particular case or a member of the same academic department/program as the accused faculty member. If the dismissal or suspension was prompted by the filing of a formal complaint by a faculty member, then the Provost shall also be consulted to ensure that no proposed member of the Hearing Committee is a member of the same academic department/program as the complainant. In all cases, members of the Hearing Committee should consider themselves to be disinterested parties. The Hearing Committee thus constituted shall elect a Chair and be assigned a secretary, normally from the President's office, who shall provide the Hearing Committee with all requisite clerical assistance throughout the

[22] The word "suspension" in this Appendix refers only to suspension as a sanction for misconduct, and does not include suspension, with pay, that may be imposed during the course of a proceeding under this Appendix or Appendix B or N. Accordingly, the procedure set forth in this Appendix may not be used to challenge or prevent a suspension, with pay, that might be imposed while any such proceeding is underway.

formal hearing process. In circumstances that warrant the Hearing Committee having access to an independent counsel, the Hearing Committee shall have access to an independent counsel arranged through the College Counsel's office. This independent counsel shall not be allowed to attend the Hearing but is provided to assist the Hearing Committee when such assistance is requested.

S.4 Promptly after the Hearing Committee is formed, the Provost shall provide the Hearing Committee, through its Chair, with a copy of the Provost's report and the faculty member's response to the report. The Hearing Committee shall normally hold a Hearing within 21 calendar days of its formation. The Chair of the Hearing Committee shall notify the accused faculty member, the Provost, and the President of the time, place, and date so scheduled by certified mail, return receipt requested.

S.5 The entire proceedings of the Hearing shall be recorded by a professional stenographer, and an accurate transcript shall be promptly produced from that stenographic record and made available to the Hearing Committee. The Chair of the Hearing Committee shall preside over the proceedings and act to ensure a fair presentation of all evidence and an equitable treatment of both parties, and to maintain decorum. Each party in the case (normally the Provost and the accused faculty member) and the complainant may be accompanied only by counsel chosen from the Faculty or Administration of the College by each party respectively. Procedures shall not follow formal rules of evidence, but special care shall be taken in evaluating evidence to ensure fairness.

S.6 At the Hearing, the Provost (or the Provost's designee) presents the case for the College, and the accused faculty member presents their case. The faculty member shall be presumed not to have engaged in misconduct; the burden shall rest upon the College to prove that the faculty member has done so. During the Hearing, the parties shall have the following rights: to present and examine witnesses; to introduce evidence that has been previously made available to the Hearing Committee and, through the Hearing Committee, to the opposite party; to conduct reasonable cross examination of any witness on any matter relevant to the issue of the Hearing; and to offer relevant evidence in rebuttal. The accused faculty member shall have the right to face and cross-examine the complainant, if any. Each party shall give the Hearing Committee a list of the names of all witnesses and copies of all documentary and other evidence at least 72 hours before the Hearing begins, or, in the event that a party would like to offer rebuttal evidence, at least 24 hours prior to the use of that rebuttal evidence. The Hearing Committee shall provide copies of any such witness lists or evidence to the opposing party as promptly as possible, and a list of all witnesses to be summoned by the Hearing Committee shall be made available to both parties not less than 48 hours before the Hearing begins. Copies of all evidence received or gathered by the Hearing Committee at any stage shall be made available promptly to both parties, and no new witness(es) may be summoned by either party or by the Hearing Committee without the Hearing Committee giving both parties 24-hour notice in advance. At its discretion, the Hearing Committee has the authority to gather such additional evidence as it deems relevant. If a complainant testifies at the Hearing, that complainant may be accompanied by a counsel chosen by the complainant from the Faculty or Administration of the College. Under the circumstance that the Hearing Committee calls the accused faculty member as a witness, the Provost (or the Provost's designee) shall be granted the right to question the faculty member. However, if the accused faculty member elects not to testify, they may not be called as a witness by the Hearing Committee or by any party.

S.7 Following the presentation of all evidence, the Hearing shall be closed at the time the Hearing Committee deems appropriate. Thereupon, the Hearing Committee shall deliberate in executive session, at a time convenient to itself. The Hearing Committee shall determine by a majority vote whether the preponderance of evidence indicates that dismissal or suspension is warranted. If the Hearing Committee determines that dismissal or suspension of the faculty member from the College is warranted, then it shall recommend that the Provost's conclusion that dismissal or suspension is warranted be sustained. If the Hearing Committee determines that the dismissal or suspension of the faculty member from the College is not warranted, then, depending on its determination, it shall either recommend alternative sanctions or recommend that the case be dismissed. Within 10 calendar days of the close of the Hearing, the Hearing Committee shall record its findings and its recommendations in a written report.

S.8 Promptly upon completion of the report, regardless of the Hearing Committee's findings and recommendations, the Chair of the Hearing Committee shall inform the Chair of the Promotion, Tenure, and Review Committee about the general nature of the case in order that a three-member Hearing Review Committee can be formed from the Promotion, Tenure, and Review Committee. The Chair of the Promotion, Tenure, and Review Committee shall promptly appoint any three of the six elected members of that Committee to serve on the Hearing Review Committee. Prior to the actual appointment of members of the Hearing Review Committee, the Chair of the Hearing Committee shall be consulted to ensure that no proposed member is involved in the particular case or a member of the same academic department/program as the accused faculty member. If the Hearing was prompted by the failure of the Provost and the accused to reach an informal resolution to charges made through the filing of a formal complaint by a faculty member, then the Chair of the Hearing Committee shall also be consulted to ensure that no proposed member of the Hearing Review Committee is a member of the same academic department/program as the complainant. In all cases, members of the Hearing Review Committee should consider themselves to be disinterested parties. The Hearing Review Committee thus constituted shall elect a chair. Promptly upon being elected, the Chair of the Hearing Review Committee shall notify the Chair of the Hearing Committee of the formation of the Hearing Review Committee. In response, the Chair of the Hearing Committee shall give the Chair of the Hearing Review Committee the written report of the findings and recommendations of the Hearing Committee with full explanatory justification and a summary of dissenting opinion, along with the full record of the Hearing, including the transcript, all documentary evidence, and all written communications between the Hearing Committee and the parties. The three members of the Hearing Review Committee are the only persons who shall receive the Hearing Committee's report and the record of the Hearing at this time. A copy of the written report of the findings and recommendations of the Hearing Committee with full explanatory justification and a summary of dissenting opinion, along with the full record of the Hearing, including the transcript, all documentary evidence, and all written communications between the Hearing Committee and the parties, will be available in the President's suite for the accused and the Provost to review with or without counsel chosen from the College.

S.9 The charge of the Hearing Review Committee is to evaluate the integrity of the entire Hearing process and to ensure fairness to all parties. The role of the Hearing Review Committee is not to question or reevaluate the Hearing Committee's factual findings. Nor is it the role of the Hearing Review Committee to question or reevaluate the Hearing Committee's recommendations, except as provided in "e" below. The Hearing Review Committee shall review the report of the Hearing Committee and the full record of the Hearing, and any written statement(s) about the Hearing based on "a," "b," "c," "d," or "e" below that might be submitted by the accused and/or the Provost, and shall determine whether the Hearing was properly conducted. The Hearing Review Committee shall determine that the Hearing was not properly conducted if

a. the Hearing Committee committed a procedural error that had a material (i.e., so substantial and important as to have been decisive) effect on its findings and recommendations, or did not take into account a procedural error that occurred in an earlier stage of the process and that had a material effect on its findings and recommendations; or

b. the Hearing Committee violated the professional, academic, or EEO rights of the accused faculty member or of the complainant (if any), or did not take into account an earlier violation of those rights, in such a way as to have a material effect on its findings and recommendations; or

c. the Hearing was conducted in an unfair or inequitable manner, in such a way as to have a material effect on the Hearing Committee's findings and recommendations; or

d. the Hearing Committee demonstrably considered non-germane evidence as material; or

e. the sanction(s) (if any) recommended by the Hearing Committee was (were) not consistent with its factual findings.

The Hearing Review Committee shall reach its determination within 14 calendar days of its receipt of the Hearing Committee's report and the Hearing record. If the Hearing Review Committee determines by a majority vote that the Hearing was properly conducted, the Hearing Review Committee's determination shall, by the end of that 14 day period, be communicated in a written report to the members of the Hearing Committee and the President, who shall also at this time receive the full record of the Hearing and the Hearing Committee's report. (At this stage, the President is the only additional person who shall receive the full record of the Hearing and the Hearing Committee's report.) If the Hearing Review Committee determines by a majority vote that the Hearing was not properly conducted, the Hearing Review Committee shall ensure that the flaws are corrected as it deems appropriate. Depending on the nature of the flaws, the Hearing Review Committee may require that the Hearing Committee reopen the Hearing to (but not beyond) whatever extent might be necessary to correct the flaws, or, in the case of an irreparable procedural impropriety, the Hearing Review Committee may require that the Chair of the Appeal and Grievance Committee form a new Hearing Committee to initiate a *de novo* Hearing. (If a *de novo* Hearing is called for, the Chair of the Hearing Review Committee shall inform the Provost, the accused, and the original Hearing Committee. The full record of the *de novo* Hearing, and the report of the *de novo* Hearing Committee, will be subjected to the same scrutiny by the Hearing Review Committee as were the original Hearing Committee's report and Hearing record.) When the Hearing Review Committee has determined by a majority vote that all material flaws have been corrected, and that the Hearing was properly conducted, and that any potentially material new evidence that might have been brought to the attention of the Hearing Review Committee by either party has been referred to and fairly and adequately responded to by the Hearing Committee, the Hearing Review Committee shall communicate its determination in a written report to the members of the Hearing Committee and the President, who shall also at this time receive the full record of the Hearing and the Hearing Committee's report. [Rev. 04-2]

S.10 The President shall review the report of the Hearing Committee, the full record of the Hearing (including the transcript), and the report of the Hearing Review Committee; the President may interview witnesses at the President's discretion; and the President shall make a decision in the case. The President may request that the Hearing Committee reconsider the case on a specific ground or grounds. The President's request for reconsideration must be made within 30 calendar days, and the Hearing Committee has another 14 calendar days in which to make a second report. The President shall make a decision on the matter within 30 calendar days of the Hearing Committee's initial report or its second report. The President may affirm, reject, or modify the recommendations of the Hearing Committee. The President's final decision, in writing, together with copies of the reports of the Hearing Committee and the Hearing Review Committee, must be sent to the faculty member, the complainant (if any), the Hearing Committee, the Hearing Review Committee, the Provost, and the Board of Trustees, through its Secretary. Grounds for modification or rejection of the Hearing Committee's recommendations must be stated in writing. In cases where the President is the complainant or the accused as the result of the President's teaching role, disposition of the matter is the responsibility of a Review Panel, as described in Appendix D of the *Faculty Handbook*.

S.11 Subsequent to the process described above, an accused faculty member who does not accept the President's decision may make a written appeal to the Board of Trustees, through its Secretary, not more than 14 calendar days after receiving the President's written decision. An appeal is permissible only on the ground that the procedures of the College were not properly followed. Normally, the Board does not undertake a *de novo* review. The Chair of the Board may appoint a Board Committee to act on its behalf in considering the appeal. The Board may at its discretion interview such persons as it deems appropriate. The Board may either affirm or overturn the President's decision, or, alternatively, it may request that the case be re-evaluated by either the President or the Hearing Committee. The Board shall report its decision to the faculty member, the complainant (if any), the President, the Provost, the Hearing Committee, and the Hearing Review Committee as soon as possible.

S.12 Dismissal or suspension is effectuated only by a vote of the Board of Trustees. If the Board has decided in favor of dismissal or suspension of the faculty member from the College, the report of the Hearing Committee and a copy of the President's decision shall be placed in the faculty member's personnel file and the President shall inform the faculty member of the faculty member's dismissal or

suspension. If the President has decided in favor of any other sanction against the faculty member and the Board has not overturned the President's decision on appeal, the report and the recommendations of the Hearing Committee and a copy of the President's decision shall be placed in the faculty member's personnel file and the President shall direct the Provost to impose the sanction.

APPENDIX T

PROCESS FOR CONSIDERING THE COLLEGE'S RESPONSE TO MATTERS OF GRAVE SOCIAL OR MORAL CONCERN RAISED BY MEMBERS OF THE LAFAYETTE COMMUNITY

Approved by the Board of Trustees on January 27, 2007
Adopted by the Faculty on October 2, 2007 [07-6]

The Faculty has designated the Faculty Academic Policy Committee to receive notice of matters of grave social or moral concern from faculty members. In the event that a College-wide committee is convened under this policy, as provided for in Section 3 of the Process, the faculty members on the College-wide committee are appointed from the Faculty Academic Policy Committee by the chair of the Faculty Academic Policy Committee; see Section 5.4.4.4.e. [23-25]

T.1. When members of the Lafayette community believe that matters of grave moral or social concern exist that warrant an institutional response, they may bring these matters to the attention of the Board of Trustees pursuant to the following procedures.

T.2. Faculty members may bring such issues to the Faculty through a designated faculty committee, or may ask for faculty action directly by calling for a vote of the full faculty (during a faculty meeting). Students may bring such issues forward through a process identified by Student Government. Administrators and staff members may bring such issues forward through a designated administrative officer. If the faculty, Student Government, or administrative officer concludes that the issue is of sufficient grave moral or social concern to warrant an institutional response, they shall forward such recommendation to the President who shall convene a College-wide committee to consider the issue.

T.3. The committee shall include but not necessarily be limited to two faculty members identified in advance by the Faculty to serve on this committee, the President of Student Government, the General Counsel, the Chaplain (or other members of the community to be identified as the process is refined). The committee will consider whether the issue presented meets the threshold of "grave moral or social concern that warrants an institutional response." If the committee concludes that the issue meets that threshold, the committee will forward its recommendation to the President.

T.4. Upon receiving the recommendation of the College-wide committee, the President will consider whether the President believes that the concern at issue is sufficiently grave and is one that warrants an institutional response. The President will then forward the President's recommendation in writing to the Board of Trustees.

T.5. The Chair of the Board may form an Ad Hoc Committee of the Board of Trustees to determine whether the issue is sufficiently grave and is one that warrants an institutional response and, if so, to recommend to the Board of Trustees appropriate institutional action.

APPENDIX U

CONFLICT OF INTEREST POLICY FOR LAFAYETTE COLLEGE FACULTY OR STAFF MEMBERS UNDERTAKING FEDERALLY FUNDED RESEARCH

Approved by the Board of Trustees on October 20, 2007
Adopted by the Faculty on October 2, 2007 [07-2]
Approved by the Board of Trustees on May 24, 2013
Adopted by the Faculty on May 7, 2013 [12-17]
Rev. 2023 per Provost at the request of the Executive Vice President for Finance and Administration

U.1 Purpose

In response to regulations (including NSF 05-131, Section 510 and 42 CFR Part 50) governing the National Science Foundation (NSF), the United States Department of Health and Human Services (HHS) and its components, including Public Health Services (PHS), the National Institutes of Health (NIH), and other federal organizations, the following statement defines policy and procedures established to manage, reduce, or eliminate conflicts of interest as they relate to federally funded research. [Rev. per 12-17, Board, May 24, 2013]

While the College imposes no restrictions upon faculty and staff members in terms of their research interests, the College is obligated to ensure that federally funded research conducted under its auspices is accomplished with candor, integrity, and free inquiry. The College encourages faculty and staff members to explore new ideas, to establish partnerships with federal agencies, industry, and other organizations, and, subject to Appendix E, to patent and license inventions that may develop from their research.

The College is, however, mindful that such ventures and relationships carry potential risks and conflicts. When conducting research, it is imperative that faculty and staff members maintain objectivity and the highest level of integrity. The opportunity for personal gain – or the appearance of such an opportunity – may jeopardize the research and bring into question the researcher's objectivity and the validity of the research results. It is the expectation of the College that a faculty or staff member will disclose any financial or related interest that could present a conflict of interest as defined herein or be perceived as presenting such a conflict of interest. Disclosure is a key factor in protecting both the College and the faculty or staff member from potentially embarrassing or harmful allegations of misconduct.

U.2 Definitions

Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research and product development.

Federal agencies require that each investigator (defined as principal investigator, co-principal investigator, senior associate, or other individuals who have significant influence in the design, conduct, and/or reporting of the research) and each investigator's family (defined as spouse and dependent children) fully disclose financial interests, business affiliations, and/or other relationships that could be perceived as influencing or benefiting from the proposed research. A financial conflict of interest exists when an institutionally designated official (either Lafayette's Director of Sponsored Research or, as appropriate under this policy, the Provost, the President, or the Board of Trustees) reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of research or educational activities funded or proposed for funding. [Rev. per 12-17, Board, May 24, 2013]

U.2.1 Definitions Specific to the Department of Health and Human Services [Rev. per 12-17, Board, May 24, 2013]

For the U.S. Department of Health and Human Services which includes the National Institutes of Health (HHS/PHS/NIH), Financial Interest means anything of monetary value received or held by an investigator or an investigator's family, whether or not the value is readily ascertainable, including, but not limited to, salary or other payments for services (e.g., consulting fees, honoraria, paid authorships for other than scholarly works); equity interest (e.g., stocks, stock options, or other ownership interests); and intellectual property rights (e.g., patents, trademarks, service marks, copyrights, and royalties from such rights). [Rev. per 12-17, Board, May 24, 2013]

For Investigators, Financial Interest also includes any reimbursed or sponsored travel undertaken by the Investigator and related to their institutional responsibilities. This includes travel that is paid on behalf of the Investigator as well as travel that is reimbursed, even if the exact monetary value is not readily available. It excludes travel reimbursed or sponsored by U.S. Federal, state or local governmental agencies, U.S. institutions of higher education, research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers. [Rev. per 12-17, Board, May 24, 2013]

Significant Financial Interest means a Financial Interest that reasonably appears to be related to the Investigator's Institutional Responsibilities, and: [Rev. per 12-17, Board, May 24, 2013]

a) if with a publicly traded entity, the aggregate value of any salary or other payments for services received during the 12 month period preceding the disclosure, and the value of any equity interest during the 12 month period preceding or as of the date of disclosure, exceeds $5,000; or [Rev. per 12-17, Board, May 24, 2013]

b) if with a non-publicly traded entity, the aggregate value of any salary or other payments for services received during the 12 month period preceding the disclosure exceeds $5,000; or [Rev. per 12-17, Board, May 24, 2013]

c) if with a non-publicly-traded company, is an equity interest of any value during the 12 month period preceding or as of the date of disclosure; or [Rev. per 12-17, Board, May 24, 2013]

d) is income exceeding $5,000 related to intellectual property rights and interests not reimbursed through the Institution, or [Rev. per 12-17, Board, May 24, 2013]

e) is reimbursed or sponsored travel related to their institutional responsibilities. [Rev. per 12-17, Board, May 24, 2013]

Financial interest does not include: [Rev. per 12-17, Board, May 24, 2013]

U.2.1.1 Salary, royalties, or other remuneration from the applicant institution; [Rev. per 12-17, Board, May 24, 2013]

U.2.1.2 Income from the authorship of academic or scholarly works; [Rev. per 12-17, Board, May 24, 2013]

U.2.1.3 Income from seminars, lectures, or teaching engagements sponsored by U.S. Federal, state or local government agencies; U.S. institutions of higher education; research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers; [Rev. per 12-17, Board, May 24, 2013]

U.2.1.4 Income from service on advisory committees or review panels for U.S. Federal, state or local governmental agencies; U.S. institutions of higher education; research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers; [Rev. per 12-17, Board, May 24, 2013]

U.2.1.5 An equity interest or income from investment vehicles such as mutual funds and retirement accounts, so long as the investigator does not directly control the investment decisions made in these vehicles. [Rev. per 12-17, Board, May 24, 2013]

Investments in a pooled fund such as a diversified mutual fund are likely to be sufficiently remote that they would not reasonably be expected to create a conflict of interest for a federally funded investigator. Because it is likely that an investigator's interest in a mutual fund is only a small portion of the fund's total assets and because only a limited portion of the fund's assets are placed in the securities of a single insurer, it is unlikely that an investigator's activities on a federally funded award would affect an investigator's interest in the mutual fund. Under these circumstances, disclosure is not required. (More detailed regulations regarding the treatment of diversified mutual funds under the government's conflict of interest rules are available from the federal Office of Government Ethics.) [Rev. per 12-17, Board, May 24, 2013]

U.2.2 Definitions for the National Science Foundation and Other Federal Agencies [Rev. per 12-17, Board, May 24, 2013]

For the National Science Foundation and other federal agencies, significant financial interest means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options, or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights). [Rev. per 12-17, Board, May 24, 2013]

Significant financial interest does not include:

U.2.2.1 Salary, royalties, or other remuneration from the applicant institution;

U.2.2.2 Any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program;

U.2.2.3 Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;

U.2.2.4 Income from service on advisory committees or review panels for public or nonprofit entities;

U.2.2.5 An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: does not exceed $10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or

U.2.2.6 Salary, royalties, or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children, are not expected to exceed $10,000 during a twelve-month period.

Investments in a pooled fund such as a diversified mutual fund are likely to be sufficiently remote that they would not reasonably be expected to create a conflict of interest for a federally funded investigator. Because it is likely that an investigator's interest in a mutual fund is only a small portion of the fund's total assets and because only a limited portion of the fund's assets are placed in the securities of a single insurer, it is unlikely that an investigator's activities on a federally funded award would affect an investigator's interest in the mutual fund. Under these circumstances, disclosure is not required. (More detailed regulations regarding the treatment of diversified mutual funds under the government's conflict of interest rules are available from the federal Office of Government Ethics.)

U.3. Investigator's Obligation to Disclose Conflicts

U.3.1 Disclosure Procedures: An investigator who proposes to undertake research funded by a federal agency that requires disclosure must submit to the Director of Sponsored Research a signed Disclosure Form prior to the submission of the proposal. Proposals that require the signature of the Authorized Institutional/Organizational Representative (Director of Sponsored Research) also require a signed Disclosure Form. Normally, students serving as Excel Scholars will not have to complete Disclosure Forms. If an investigator's situation changes subsequent to signing the Disclosure Form, the investigator is obligated to inform the Director of Sponsored Research promptly and submit within 30 days a revised Disclosure Form. The Disclosure Forms will become a permanent part of the investigator's grant file. [Rev. per 12-17, Board, May 24, 2013]

Subcontractors, subawardees, and/or collaborators involved in federally funded grants are subject to the same conflict of interest guidelines as Lafayette investigators. This requirement will be stipulated in subcontracts issued by the College.

HHS/PHS/NIH requires institutions, no fewer than 60 days prior to the expenditure of any funds under an award, to report to PHS the existence of any conflicting interest and assurance that the interest has been managed, reduced, or eliminated in accordance with PHS regulations. NSF requires that only conflicts that have not been managed, reduced, or eliminated prior to expenditure of funds under an award be reported to NSF. Responsibility for reporting conflicts of interest to the federal agencies rests with the Director of Sponsored Research.

The Director of Sponsored Research will obtain annually updated Disclosure Forms from investigators who are required to file these forms and monitor those grants that are subject to conditions and/or restrictions, in order to ensure adherence to the imposed conditions or restrictions.

Information disclosed to the Director of Sponsored Research (and, if necessary, to other College officials) for the resolution of conflict of interest matters shall be held in confidence to the extent legally permissible.

U.3.2 Director of Sponsored Research' Decision: If an investigator discloses a potential conflict of interest, the matter must be reviewed by the College's Director of Sponsored Research, who will decide within 10 business days whether or not a conflict exists and, if so, under what conditions or restrictions the research can be undertaken so as to reduce or eliminate the conflict. Prior to issuing a decision, the Director of Sponsored Research will meet with the investigator to discuss the potential conflict and means of managing it (if a conflict exists). Following that meeting, the Director of Sponsored Research may, in deciding whether or not a conflict exists and how best to manage it, seek advice from HHS/PHS's Office of Research Integrity, NSF's Office of General Counsel, or other appropriate authority.

If the Director of Sponsored Research decides that a conflict of interest exists, the reasons for the decision and the conditions or restrictions under which the research may be conducted will be outlined in writing ("the Decision") and signed by the investigator and Director of Sponsored Research. Examples of conditions or restrictions that may be imposed include public disclosure of significant financial interests, divestiture of the financial interests, monitoring of the research by independent reviewers, modification of the research plan, disqualification from participation in the portion of the funded research that would be affected by significant financial interests, and/or severance of the relationships that create the conflict.

U.3.3 Appeal of the Director's Decision: Within ten business days of receipt of the Decision, an investigator may deliver a written appeal to the Research Support Committee, with a copy to the Director of Sponsored Research. The committee, with the advice of the College's General Counsel, may recommend to the Provost that the Decision be affirmed, modified, or reversed. The Provost will then render a decision that will be communicated in writing to the investigator

and the Director of Sponsored Research, and the decision of the Provost shall be final. [Rev. 2024, 24-17, Board May 23, 2025]

U.4 Violations of the Conflict of Interest Policy

U.4.1 Director of Sponsored Research' Referral to Provost: If the Director of Sponsored Research believes either (a) that the investigator may have violated imposed conditions or restrictions or (b) that the investigator may have failed to disclose a potential conflict of interest, the Director will notify the investigator of these concerns in writing and will give the investigator ten business days to respond in writing. After considering the response, if any, the Director may either (a) deem the concerns to have been satisfactorily allayed or (b) allege to the Provost in writing that the investigator has knowingly violated the Conflict of Interest Policy. If, after prompt review, the Provost concludes that the allegations have merit, the Provost will report in writing to the investigator, who will have ten business days to respond.

U.4.2 Provost's Referral to ARC: After considering the investigator's response, if the Provost has determined that there is a reasonable basis to believe that the policy has been violated, the Provost will refer the allegations promptly to ARC in writing. If ARC, in consultation with the Provost, decides that the allegations are sufficiently serious that they may result in either dismissal or suspension of the investigator, the case immediately be dealt with according to the procedures outlined in Appendix S.

ARC, in consultation with General Counsel, will promptly review the allegations, hear the testimony of the investigator pursuant to the procedures outlined below, and make its recommendation to the Provost in writing, including the possible imposition of sanctions.

U.4.2.1 At a time deemed appropriate by ARC, ARC shall hold a Hearing in order to receive testimonial evidence and to give the investigator the opportunity to present testimony in the investigator's own behalf. The Chair shall notify the investigator and the Provost of the time, place, and date so scheduled by certified mail, return receipt requested.

U.4.2.2 The entire proceedings of the Hearing shall be recorded by a professional stenographer, and an accurate transcript shall be promptly produced from that stenographic record and made available to ARC. The Chair of ARC shall preside over the proceedings and act to ensure a fair presentation of all evidence and equitable treatment of all participants, and to maintain decorum. The Provost and the investigator may be accompanied only by counsel chosen by each party respectively from the Faculty or Administration of the College. Procedures shall not follow formal rules of evidence, but special care shall be taken in evaluating evidence to ensure fairness.

U.4.2.3 At the Hearing, the Provost (or the Provost's designee) presents the case for the College, and the investigator presents the investigator's case. The investigator shall be presumed not to have violated this policy; the burden shall rest upon the College to prove that the investigator has done so. During the Hearing, the parties shall have the following rights: to present and examine witnesses; to introduce evidence that has been previously made available to ARC and, through ARC, to the Provost and the investigator; to conduct reasonable cross examination of any witness on any matter relevant to the issue of the Hearing; and to offer relevant evidence in rebuttal. Each party shall give ARC a list of the names of all witnesses and copies of all documentary and other evidence at least 72 hours before the Hearing begins, or, in the event that a party would like to offer rebuttal evidence, at least 24 hours prior to the use of that rebuttal evidence. ARC shall provide copies of any such witness lists or evidence to both parties as promptly as possible, and a list of all witnesses to be summoned by ARC shall be made available to both parties not less than 48 hours before the Hearing begins. Copies of all evidence received or gathered by ARC at any stage shall be made available promptly to both parties, and no new witness(es) may be summoned by

either party or by ARC without ARC's giving both parties 24-hour notice in advance. At its discretion, ARC has the authority to gather such additional evidence as it deems relevant. Under the circumstance that ARC calls the investigator as a witness, the Provost (or the Provost's designee) shall be granted the right to question the investigator. However, if the investigator elects not to testify, the investigator may not be called as a witness by ARC or by the Provost (or the Provost's designee).

U.4.2.4 Following the presentation of all evidence, the Hearing shall be closed at the time ARC deems appropriate. Thereupon, ARC shall deliberate in executive session, at a time convenient to itself. If a majority of ARC members is persuaded by the evidence that the investigator has violated this policy, then it shall recommend appropriate sanctions. Examples of sanctions include, but are not limited to, the following: letter of reprimand, demotion, salary reduction, restrictions on research activities, and monitoring of future work. If ARC determines that the investigator has not committed any violation of this policy, then it shall recommend that the case be dismissed. Within 10 calendar days of the close of the Hearing, ARC shall record its findings and its recommendations in a written report to the Provost (the "Recommendation") which shall include the full record of the Hearing. A copy of the Recommendation shall be provided to the investigator and the Director of Sponsored Research. Normally, ARC shall complete its Recommendation within 30 calendar days after the referral of the matter to ARC from the Provost.

U.4.3 Provost's Determination: The Provost may accept, reject, or modify the Recommendation of ARC. If, after considering the Recommendation, the Provost determines that the investigator has knowingly violated this Conflict of Interest Policy, the Provost will so notify the investigator, the Director of Sponsored Research, and ARC in writing (the "Determination"). The Determination shall include a full explanatory justification of the finding and a statement of the sanctions, if any.

U.4.4 Appeal of the Provost's Determination: Within ten business days of receipt of the Determination, the investigator may appeal it by letter to the Chair of the Appeal and Grievance Committee. The Chair shall designate three members of the Appeal and Grievance Committee to serve as a Review Committee (RC) and shall designate one of them to chair the RC. No RC member shall have a conflict of interest on this matter; it will be presumed that any collaborator, family member, or departmental/program colleague of the investigator has a conflict of interest.

The charge of the RC is to evaluate the integrity of the entire Determination process and to ensure fairness. The role of the RC is not to question or reevaluate the factual findings of ARC or the Provost. Nor is it the role of the RC to question or reevaluate the Determination, except as provided in "e" below. The RC shall review the Recommendation and the Determination and any written statement(s) about the process based on "a," "b," "c," "d," or "e" below that might be submitted by the investigator and/or the Provost, and shall ascertain whether the Recommendation and Determination were properly arrived at. The RC shall find that the Recommendation and/or Determination were not properly arrived at if

a. ARC or the Provost committed a procedural error that had a material (i.e., so substantial and important as to have been decisive) effect on the Recommendation or the Determination; or

b. ARC or the Provost violated the professional, academic, or EEO rights of the investigator, or did not take into account an earlier violation of those rights, in such a way as to have a material effect on the Recommendation or the Determination; or

c. the review by ARC or the Provost was conducted in an unfair or inequitable manner, in such a way as to have a material effect on the Recommendation or the Determination; or

d. ARC or the Provost demonstrably considered non-germane evidence as material; or

e. the sanction(s) (if any) imposed by the Provost was (were) not consistent with the Provost's factual findings.

The RC shall reach its decision within 21 calendar days of its receipt of the Determination and the Recommendation. If the RC decides by a majority vote that the Determination was properly arrived at, the RC's decision to affirm the Determination shall, by the end of that 21-day period, be communicated in a written report to the investigator, the Director of Sponsored Research, ARC, the Provost, and the President. At this time, the President shall also receive the Provost's Determination and the ARC Recommendation. If the RC decides by a majority vote that the Determination was not properly arrived at, the RC may, as it sees fit, seek additional evidence or testimony from any party. The RC shall then decide by a majority vote whether it sustains, modifies, or rejects the Provost's Determination. The RC shall communicate its decision, with a full explanatory justification, in a written report to the investigator, ARC, the Director of Sponsored Research, the Provost, and the President.

The President shall review the Recommendation of ARC, the Provost's Determination, and the report of the RC; the President may interview witnesses at the President's discretion; and the President shall make a decision in the case within 30 calendar days. The President may affirm, reject, or modify the recommendations of the RC. The President's final decision, in writing, must be sent to the Investigator, the Director of Sponsored Research, ARC, the RC, and the Provost.

If the President or, in the absence of an appeal, the Provost determines that the investigator has violated imposed conditions or restrictions without having done so knowingly, the investigator will promptly adhere to such conditions or restrictions and will promptly provide the Director of Sponsored Research with credible evidence of such adherence.

If the President or, in the absence of an appeal, the Provost determines that the investigator has failed to disclose a conflict of interest without having done so knowingly, the investigator will promptly disclose the conflict as required by this policy and will abide by any conditions or restrictions imposed by the President, or in the absence of an appeal, the Provost.

Subsequent to the process described above, an investigator who does not accept the President's decision may make a written appeal to the Board of Trustees, through its Secretary, not more than 14 calendar days after receiving the President's written decision. An appeal is permissible only on the ground that the procedures of the College were not properly followed. Normally, the Board does not undertake a *de novo* review. The Chair of the Board may appoint a Board Committee to act on its behalf in considering the appeal. The Board may at its discretion interview such persons as it deems appropriate. The Board may either affirm or overturn the President's decision, or, alternatively, it may request that the case be re-evaluated by either the President, the Provost, or ARC. The Board shall report its decision to the investigator, the President, the Provost, ARC, the RC, and the Director of Sponsored Research as soon as possible.

U.5 Disclosure to Funding Agencies and Relevant Parties

If the investigator acknowledges or if, at the conclusion of the appeal process, it is determined that the investigator (a) violated imposed conditions or restrictions or (b) failed to disclose a conflict of interest, the Director of Sponsored Research, if required by federal law or regulations, will notify promptly the funding agency of the conflict and the measures taken to manage the conflict. In addition, if the federally-funded research project involves other investigators, the Director of Sponsored Research will notify them of the findings.

It should be noted that each funding agency retains the right to take its own action as it deems appropriate, including the suspension or termination of the project. If HHS determines that a PHS/NIH-funded project to evaluate a drug, medical device or treatment was conducted by an investigator with a

conflict that was not disclosed or managed, HHS requires the investigator to disclose the conflict in each public presentation (written or oral) of the results of the research. [Rev. per 12-17, Board, May 24, 2013]

Per HHS/PHS/NIH policy, Lafayette's Director of Sponsored Research will publish on a publicly-accessible website or respond to any requestor within five business days of the request, information concerning any Significant Financial Interest pertaining to an HHS/PHS/NIH grant that meets the following criteria: [Rev. per 12-17, Board, May 24, 2013]

a. The Significant Financial Interest was disclosed and is still held by the senior and/or key personnel; [Rev. per 12-17, Board, May 24, 2013]

b. A determination has been made that the Significant Financial Interest is related to the HHS/PHS/NIH-funded research; and [Rev. per 12-17, Board, May 24, 2013]

c. A determination has been made that the Significant Financial Interest is a Financial Conflict of Interest. [Rev. per 12-17, Board, May 24, 2013]

U.6 Financial Conflict of Interest Training for HHS/PHS/NIH Investigators [Rev. per 12-17, Board, May 24, 2013]

Each HHS/PHS/NIH investigator must complete training on the HHS/PHS/NIH financial conflict of interest policy prior to engaging in research funded by HHS/PHS/NIH, and at least once every four years thereafter. HHS/PHS/NIH investigators must also complete training within a reasonable period of time as determined by the Director of Sponsored Research in the following situations: if this policy is substantially amended in a manner that affects the requirements of the investigators or if it is determined that the investigator has not complied with this policy or with a management plan related to moderating potential financial conflicts of interest. [Rev. per 12-17, Board, May 24, 2013]

U.7 Records Management

As required by the federal government, Lafayette College will retain records of all conflict of interest disclosures and actions for at least three years beyond completion or termination of the grant to which they relate or, where applicable, from other dates specified in 45 C.F.R. 74.53(b) and 92.42(b). These records will be maintained securely and will be held in confidence to the extent legally permissible. [Rev. per 12-17, Board, May 24, 2013]

Faculty or staff members who have questions about this Conflict of Interest Policy should contact the College's Provost, General Counsel, and/or the Director of Sponsored Research**.** [Rev. 2023, 2024]

APPENDIX V

RECOMMENDED PRACTICES FOR DEPARTMENTAL/PROGRAM AND INSTITUTIONAL INTERPRETATION OF STUDENT EVALUATIONS

[Added 16-45, Rev. 18-29, Board, February 23, 2019, 20-11]

Since teaching is a multi-dimensional activity, its evaluation requires a multi-dimensional approach. At Lafayette College, this approach includes self-evaluation, a teaching portfolio, peer evaluation of teaching, letters of support from former students and/or outside colleagues, and student evaluations of teaching. The purpose of this document is to provide guidelines for individual, departmental/program, and institutional interpretation of student ratings and comments, guidelines consistent with best practices in current research on the evaluation of instruction.

Recent research strongly indicates that student evaluations can provide a rich and reliable source of information when all three of the following conditions are met:

1. Students should be asked to evaluate only what they are qualified to evaluate: their general satisfaction with a course, classroom atmosphere, pace of instruction, and an instructor's influence on their attitude towards a subject matter and their motivation to learn. The responses to such global evaluative questions have proved to be the most reliable and tend to have a positive correlation with students' learning. Conversely, students are not well-equipped to evaluate the professor's knowledge and disciplinary expertise, educational use of technology, grading practices, and appropriateness of course materials for the achievement of course goals.

2. Faculty members and administrators who interpret student ratings should employ appropriate guidelines.

3. Students should be informed of the purpose of the evaluation.

Administration of Evaluations

- Students should be told in advance when evaluations will be administered. A majority of students should be present on the specified day. *[Rev. 20-11]*
- Evaluation should take place during the last two weeks of the term at the beginning of a class period. It should not be conducted on the day of a test or quiz.
- To preserve student anonymity, the instructor should not be present while the evaluation is taking place. However, they may ask another instructor to monitor the process. *[Rev. 20-11]*

Interpretation of Evaluations

General Guidelines

- As a general practice, faculty members should interpret student evaluations using the descriptions of "distinctive teaching" provided in the *Faculty Handbook*.
- Student ratings from different course levels and types should be appropriately contextualized. Elective courses in the major and courses with small enrollments tend to receive higher ratings than required courses and courses with large enrollments.
- Consistent patterns observable over a number of semesters should be identified. Results for single courses that do not align with overall trends should not be unduly emphasized. This holds when the outlier is high or low relative to other data.
- The evaluation of courses with a small number of students (i.e. less than 10) is not reliable. However, when multiple iterations of a course are considered together, they can provide useful information.
- Documented "biasing effects"— academic field, expected grade, workload, motivation, students'

course level, gender, sexual orientation, race, and ethnicity—need to be acknowledged, particularly in courses that ask students to confront issues outside their comfort zone. See references below. [Rev. 20-11]

Numerical Ratings

- Numerical ratings should not be accorded a precision they do not possess.
- Frequency distributions (e.g. number of responses in categories such as “excellent,” “very good,” “good,” “fair,” and “poor”) provide more rich information than medians and means alone.
- Numerical ratings should not be used in isolation to rank or categorize faculty for salary decisions or professional awards.

Written Comments

- Written comments are especially useful for the improvement of instruction.
- Isolated comments should be treated with caution, and trends and patterns over time identified.
- Evaluators should be sensitive to the “psychological power” of the negative comment. Negative comments tend to register more strongly than do positive ones.
- A single negative comment should not be used or cited by departments/programs or PTR as a reason for a negative personnel decision.

References

Below are several resources that offer summaries of the literature on student evaluations. These documents and their references are valuable resources for members of the faculty who would like additional information.

Berk, Ronald A. and Wilbert J. McKeachie. *Top 10 Flashpoints in Student Ratings and the Evaluation of Teaching: What Faculty and Administrators Must Know*. Sterling, VA: Stylus, 2013.

Berk, Ronald A. "Survey of 12 Strategies to Measure Teaching Effectiveness," *International Journal of Teaching and Learning in Higher Education* 17, no. 1 [2005]: 48-62.

Boring, Anne, Kellie Ottoboni, Phillip B. Stark. *Student Evaluations of Teaching (Mostly) Do Not Measure Teaching Effectiveness. ScienceOpenResearch* [7 Jan 2016]. [Added 20-11]

Buller, Jeffrey L. *Best Practices in Faculty Evaluation: A Practical Guide for Academic Leaders*. San Francisco: Jossey-Bass, 2012.

Cashin, William E. "Student Recommendations of Teaching: Recommendations for Use," *IDEA Paper* 22. [1990].

Centra, John A. and Noreen B. Gaubatz. *Is There Gender Bias in Student Evaluation of Teaching? 2000. The Journal of Higher Education* 71, no. 1 [2000]: 17-33 [Added 20-11]

Dewar, Jacqueline M. "Helping Stakeholders Understand the Limitations of SRT Data: Are We Doing Enough?" *New Forums Press* 25, no. 3 [2011]: 1-5.

Linse, Angela R. *Interpreting and using student ratings data: Guidance for faculty serving as administrators and on evaluation committees, Studies in Educational Evaluation,* 54 [2017]: 94-106. [Added 20-11]

MacNell, Lillian, Adam Driscoll, Andrew N. Hunt, “What’s in a Name: Exposing Gender Bias in Student Ratings of Teaching. *Innovations in Higher Education* 49 [2015]:291-303.

McGlone, Matthew. "Report on Best Practices for the Use and Interpretation of Student Evaluations." Evaluation and Enhancement of Instruction Committee report to the Lafayette College Faculty. Lafayette College Faculty minutes, April 2001, attachment 4.

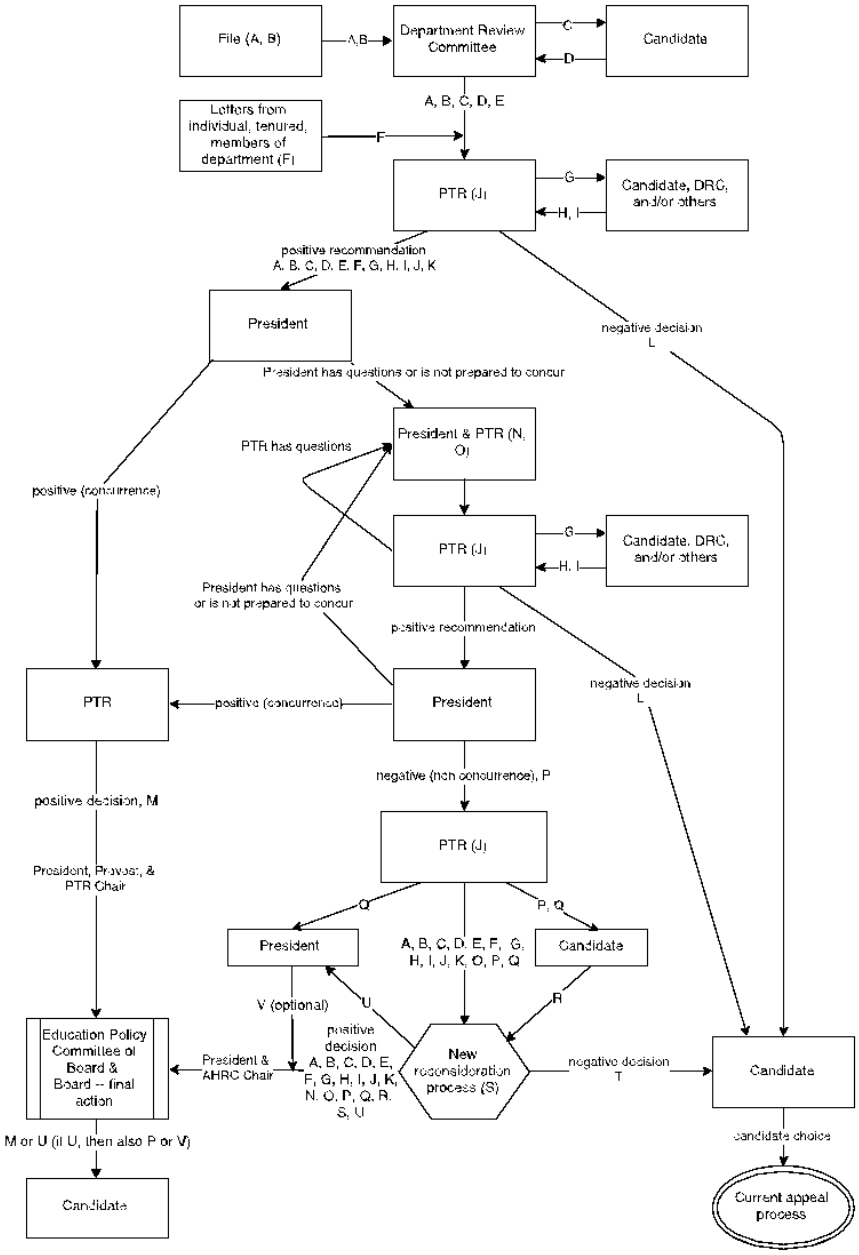
Seldin, Peter. *Evaluating Faculty Performance: A Practical Guide to Assessing Teaching, Research, and Service*. Bolton, MA: Anker, 2006.

APPENDIX W

FLOW CHART OF TENURE PROCESS

Approved by the Board of Trustees on May 13, 2017
Adopted by the Faculty on May 2 and 10, 2017 [16-41]

In the case of any discrepancies, the text in Chapter 4 supersedes the information in this chart. (The notations A, B, C, etc. indicate documents as they are created and moved through the tenure process. Definitions for each document are given on the following page.)



Document definitions:

A. Candidate self-evaluation, CV, student evaluations (numerical summaries; written comments, if released by candidate), previous (post-midterm and midterm) DRC/PRC letters, PTR Midterm letter, candidate responses (if released by candidate), Teaching and Scholarship portfolios, annotated service list, peer observation summaries [Rev. 18-16 and 18-17, Board, Dec. 13, 2018]

B. External review letters, letters of support, and candidate response (if any)

C. DRC/PRC question memo(s) to candidate

D. Candidate response(s) to questions from DRC/PRC

E. DRC/PRC letter

F. Letters from individual, tenured members of the department/program

G. PTR requests for additional information (may be to candidate, DRC/PRC, or others)

H. Responses to questions from PTR

I. Candidate responses (if any) to responses to questions from PTR

J. PTR minutes (includes record of summary and rationale for decision)

K. PTR draft letter providing positive recommendation and including a summary of the rationale for that recommendation and a summary of dissenting opinion

L. PTR negative decision letter

M. PTR positive decision letter

N. Correspondence between the President and the Promotion, Tenure, and Review Case Committee concerning the Promotion, Tenure, and Review Case Committee's positive recommendation (if any)

O. Summary record of meeting(s) between President and PTR

P. President's letter of non-concurrence

Q. PTR positive recommendation and response to President's letter of non-concurrence

R. Candidate response to P and/or Q (not required)

S. Reconsideration Committee minutes (includes record of summary and rationale for decision)

T. Reconsideration – negative decision letter

U. Reconsideration – positive decision letter

V. Optional: President's letter of concurrence

APPENDIX X

GUIDANCE FOR PTR AND DRCs/PRCs FOR SETTING EXPECTATIONS AND ASSESSING FACULTY PERFORMANCE DURING THE COVID-19 PUBLIC HEALTH EMERGENCY (PHE)

[Added 20-19, Board, Feb. 26, 2021; Rev. 23-25, Board May 20, 2024]

Evaluations of teaching, scholarship, and service should take into account that:

- Pervasive and entrenched forms of structural inequality along lines of gender, race, class, and other forms of systemic disadvantage were exacerbated by the COVID-19 crisis. Faculty from underrepresented groups and women faculty were likely to experience a disproportionate level of negative impacts (both visible and invisible to the College) on their work.
- Faculty members from high-risk groups, those who care for others from high-risk groups, and those with additional home-care responsibilities such as child care or elder care were likely to face additional demands on time and resources that may have negatively impacted their work.
- Faculty members' physical and mental health was negatively impacted by the COVID-19 PHE.

Evaluations of teaching should take into account that:

- There was reduced student and peer feedback due to the interruption of student evaluations and peer observations in spring 2020.
- The shift to remote teaching environments demanded changes in the way faculty prepared, organized, and structured their courses. These circumstances require adaptation and experimentation, which can be pedagogically risky for faculty to implement.
- The return from remote to in-person instruction entailed significant effort and adaptation, particularly for courses that were initiated during the PHE and for faculty members who first taught during the PHE.
- Grading practices were modified to support students in a remote environment. Assignments, discussions, and examinations were reevaluated and changed to increase flexibility and add student-supportive practices.
- Remote instruction may see a lower level of student engagement than for in-person instruction. Peer observations may note this additional challenge and should highlight the effective use of new technologies or the development of individual hands-on experiences that the faculty member has incorporated as a response.
- The demand for effective academic advising and students' needs for advising were concomitantly accelerated. Because of the individualized and time-intensive nature of advising relationships, faculty with more numerous advisees, those with high class enrollments, or those in positions that presume specific elements of advising duties were likely to be disproportionately affected. The effort to deliver this critically important element of teaching may need to be contextualized and acknowledged within the overall evaluation of teaching.

Evaluations of scholarship should take into account that:

- Scholarly activity was impacted by COVID-19 in many different ways. That includes scholarship that depended on access to campus facilities (e.g., studios or laboratories), specific resources (e.g., libraries and archives), travel (e.g., to field sites, archives or cultural sites, collaborator institutions, and scholarly meetings), and/or collaboration (e.g. music ensembles, theater productions, shared research facilities). The result is that a faculty member's research may have been unavoidably disrupted, delayed or even completely halted.
- Pre-tenure research leaves and sabbaticals planned before COVID-19 may not have been as productive as planned, or even rendered ineffective, due to various restrictions created by the PHE.
- Scholarly products, such as books or peer-reviewed journal articles, may have been delayed by a reduced global capacity in the peer review, performance production, and publishing processes.

- Some faculty members may have shifted their research focus out of necessity. This may have brought a significant investment in time and risk of a reduced number of scholarly products. It may have also introduced abrupt changes in their Professional Activities Forms and other documentation of their research trajectory.

Evaluations of service should take into account that:

- There was an additional service burden for all faculty, including additional faculty meetings, town halls, deliberations about teaching modalities, scheduling, significantly more electronic communication, and an increase in the invisible service performed by underrepresented groups and women faculty.
- Extraordinary service participation, including emergency meetings and committee work in the summer, was beyond faculty members' control and necessarily reduced the time available for teaching and scholarship.