



**SIMMONS COLLEGE  
FACULTY POLICY MANUAL  
2010-2017**

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## SECTION 1. GENERAL MATTERS

### 1.1 DESCRIPTION AND PURPOSE OF *FACULTY POLICY MANUAL*

The Faculty of Simmons College (the “College”) consists of the Faculties of the College of Arts and Sciences, the Graduate School of Library and Information Science, the School for Health Sciences, the School of Management, and the School of Social Work as formally designated by the Simmons College Corporation. This *Faculty Policy Manual* (the “*Manual*”) is mainly a compilation of the principal policies and procedures concerning the relationship between members of the Faculty and the College as well as a statement of underlying principles that shape our work together. The *Manual* represents a collaboration between the Faculty and the Administration of the College supported by the Board of Trustees of the College. The Faculty, the Administration, and the Board believe that establishing agreed upon policies will enhance their joint efforts to advance the mission of the College. They also share a belief that “a college . . . in which all the components are aware of their interdependence, of the usefulness of communication among themselves, and of the force of joint action will enjoy increased capacity to solve educational problems.” (AAUP, *Policy Documents and Reports*, 9 ed., 2001, p. 218)

The *Manual* sets forth general policies for all faculty of the College. As noted elsewhere in the *Manual* (Section 1.5), individual Schools may need to develop specific guidelines to implement certain provisions of the *Manual* (referred to as “implementation guidelines”). In drafting implementation guidelines, Schools shall work within the *Manual’s* framework of shared principles and common standards and balance the need for consistent, college-wide policies with the benefits of guidelines and processes that suit each School’s unique circumstances.

The Faculty of each School and the Board of Trustees have approved and adopted this *Manual* as proof of the College’s commitment to the fundamental principles enumerated below. To the extent that policies have previously been issued concerning the same subject matters addressed in the *Manual*, the *Manual* and the Schools’ implementation guidelines supersede those policies.

As the needs of the College change, the Faculty and the Board may jointly find that this statement of policies should change as well. Therefore, Section 6 of the *Manual* establishes a procedure for amendments, subject to agreement of the Faculty and the Board. To help ensure that the policies contained in the *Manual* remain current, Section 6 also provides for periodic review and consideration of changes.

### 1.2 FUNDAMENTAL PRINCIPLES

This Manual is grounded in three core principles:

- *a commitment to meaningful participation of faculty in decisions that advance the mission of the College*

Faculty participation promotes and encourages diversity of ideas, a sense of shared responsibility, collegiality, mutual trust and goodwill, and institutional excellence. The foundations of meaningful and effective faculty participation are consultation, collaboration, and communication among faculty and with the administration. Effective consultation, collaboration, and communication require transparency of information and intent, time for informed and thoughtful deliberation and formulation of

recommendations, consideration of historical and present contexts, and opportunities for respectful dialogue and input into strategic planning.

- *a commitment to academic freedom*

Simmons College is committed to principles of academic freedom for all faculty, whether tenured or untenured, and is committed to maintaining a thriving academic community promoting open, civil dialogue on all matters. Academic freedom and, more generally, freedom of expression are of paramount value in an academic community and are essential for the acquisition and transmission of knowledge, cultivation of the creative and critical faculties of the human intellect, expression of ideas and emotions, and for the promotion of responsible teaching as well as for the accomplishment of unfettered individual writing and research, scholarship, and creative works (adapted from Smith College Code of Faculty Legislation and Administrative Practice at <http://www.smith.edu/deanoffaculty/code/codeappa.html>). Tenure is one of the means of helping to ensure the protection of academic freedom.

- *a commitment to the pursuit of collective excellence and social justice through teaching, research, scholarship and creative works, and service.*

From its inception and throughout its history, Simmons College has sought to fulfill its mission and all that it undertakes with high standards and a passion for excellence as well as social justice. The commitment to excellence and equity are embodied in the policies and procedures of the Manual.

### 1.3 MISSION OF THE COLLEGE

The Simmons College Mission is rooted in the purpose for which the College was founded and is shaped by the College's evolution since then. Simmons College was founded in 1899 as a College to educate women for fulfilling careers and useful, independent lives. Today, the College continues its tradition of excellence through a focus on liberal arts and sciences and professional education in its undergraduate programs for women, and its graduate professional and liberal arts programs for women and men. Faculty and staff in all areas of the College, building upon their own scholarly accomplishment and continuing professional development, provide a student-centered environment and a curriculum that is comprehensive, integrated, and constantly renewed.

### 1.4 ACADEMIC FREEDOM

"Academic freedom is the indispensable quality of institutions of higher education." (AAUP, at <http://www.aaup.org/AAUP/issues/AF/> , accessed August 20, 2010) This *Manual* endorses the following principles from the classic AAUP Statement of Principles on Academic Freedom, which since 1940 has provided a highly respected statement of the professional ethics and standards that guide the academy. (AAUP, *Policy Documents and Reports*, <http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm#2>, accessed August 13, 2010).

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom

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

- Teachers are entitled to full freedom in research and in the publication of the results..., but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. ...
- College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

Regardless of whether course material is germane to the subject, classroom faculty should not engage in classroom speech or conduct that is personally disrespectful, disparaging, harassing, or otherwise contrary to an appropriate learning environment.

Freedom of speech and expression is the right both of members of the Simmons College community and of invited guests. Once the College extends an invitation, then the Simmons community shares the obligation to protect the speakers' freedom of expression even when individual members dislike or oppose the speaker or find her or his ideas noxious. Freedom of speech and expression is the right of opponents of a speaker as well. Opponents may make their views known in a variety of ways so long as they do not thereby interfere with a speaker's ability to make her or his views known, or with the rights of others to listen.

In the College, as in society as a whole, freedom of speech and expression cannot be absolute. For example, speech that is libelous, slanderous, incites to riot or is unlawfully harassing is not protected, nor does it have educational value; in addition, speech directed at persons with clear intent to cause substantial injury is not protected by academic freedom.

### 1.5 DEVELOPMENT OF IMPLEMENTATION GUIDELINES

Each School shall develop implementation guidelines to supplement particular areas of the *Manual* that require School-specific implementation. Implementation guidelines will be developed through a process of collaboration between Voting Faculty and the Dean of the School. Implementation guidelines will be written and shall not take effect until a School's Voting Faculty and its Dean have approved them. The Voting Faculty of each School may determine the manner by which the Voting Faculty may propose and approve implementation guidelines.

Implementation guidelines may not conflict with any provisions of the *Manual* or any governing documents of the Corporation (e.g., the By-Laws of the Simmons Corporation). Prior to each Faculty's vote, the School's respective implementation guidelines must be reviewed by the Provost for clarity, consistency with best practices, and alignment with the *Manual* and then either approved or returned to the Faculty for revisions and re-submission.

Once the revised *Faculty Policy Manual* is approved by votes of the Faculties and the Board of Trustees, existing implementation guidelines will no longer be in effect as of eight months after the date on which the *Manual* is approved. Therefore, revised implementation guidelines must be developed and approved for each School within that time frame. School-specific implementation guidelines for the following areas will be required:

- Teaching Load
- Assessment of Teaching and Learning
- Career Flexibility Timeline
- Distribution of Professional Development Funding
- Voting Faculty
- Promotion and Tenure
- Standards for Academic Excellence
- Reviews of Faculty
- Mid-point Reviews
- Annual Reviews
- Academic Calendar
- Course Releases

## 1.6 OTHER POLICIES

There may be other College policies that affect Faculty but that are not within the scope of subjects covered in this *Manual*. The College's Administration generally shall consult with the Faculty Senate when developing policies that could affect either the Faculty or an area for which the Faculty have primary responsibility. The nature of such consultation may vary in different circumstances, based on factors such as timing constraints and the degree to which a policy may affect Faculty. When the Faculty and Administration agree to propose new College-wide policies relevant to this *Manual*, the proposals will be submitted for approval as amendments, as provided in Section 6.

## 1.7 ROLES AND RESPONSIBILITIES OF TRUSTEES, PRESIDENT, PROVOST, DEANS AND FACULTY

### 1.7.A The Board of Trustees

The Board of Trustees has overall responsibility for the management of the business, property, and affairs of the College. Between meetings of the Board, the Executive Committee has the full power of the Board, except as may otherwise be provided in the Simmons College By-laws.

Regular communication between the Faculty and the Board is essential to the effective operation of the College. Therefore, representatives of the Faculty Senate meet directly with the Board at least twice a year, upon the initiative of the Faculty Senate or the Board and through the Office of the President. Further communication is fostered by the attendance of the Senate President to the tri-annual meetings of the Board on the same terms and conditions as other members of President's Council, and by attendance of faculty at Board Committee meetings to which they may be invited by the Board.

The Board retains responsibility and discretion to ensure that decisions of the College with respect to the employment of Faculty are consistent with the overall financial, academic, and corporate needs of the College.

#### 1.7.B The President

The President is appointed by the Board of Trustees and serves as the chief executive officer of the College. As such, the President is responsible for the academic and financial administration of the College in accordance with policies established by the Board. The President's authority may be carried out through the Provost and/or Deans of each School, who are the academic leaders of their Faculties, and through Department Chairs, Program Directors or other faculty in leadership roles acting for their Dean. The President with the assistance of the Provost, Deans, and faculty leaders acts as liaison between the Board and the Faculty and seeks advice from and participation of the Faculty in administration of the College.

#### 1.7.C The Provost

The Provost, reporting to the President, is the Chief Academic Officer and the second-highest ranking administrator at Simmons. All Deans and the heads of the Office of Sponsored Research, Academic Technology, the Library, the Registrar's Office, the Career Education Center, the Scott Ross Center, the Study Abroad Office, and other offices as assigned by the President shall report to the Provost. In the President's absence and at the request of the President or the Board of Trustees, the Provost shall serve as the chief executive officer for the College. The Provost provides leadership and advocacy for the College's academic programs and is responsible for maintaining academic quality. The Provost's areas of responsibility include supervision and oversight of all educational affairs and activities, including curricular, instructional, and research affairs and personnel. The Provost coordinates the promotion and tenure and sabbatical application processes; provides leadership for academic programs, research, faculty development, and program evaluation; and advises the President and Board of Trustees on academic matters including faculty hiring, appointments, promotion, tenure, and sabbaticals; and plays a major role in developing the annual budget and in recommending allocation of resources, particularly among academic units. The Provost also receives and reviews proposals for curricular changes including the introduction or elimination of degrees, programs, and majors. The Provost either approves proposals or returns them to the appropriate Faculty body for further consideration.

#### 1.7.D The Deans

The Deans ("Dean" is used interchangeably with "academic dean" in this *Manual*), who report to the Provost, are the academic leaders and chief administrative officers of their

Schools. Deans have responsibility for broad strategic planning, including financial management, enrollment management, curriculum development and revision, accreditation, and staffing. In fulfilling these duties, the Deans build the excellence of their programs by recruiting, evaluating, inspiring, developing and supporting faculty, attracting and retaining students, facilitating research opportunities, supervising department chairs and program directors, hiring and evaluating non-faculty staff, and managing and augmenting resources in their Schools. The Deans advise the Provost on all academic matters, advocate for resources, and collaborate with each other to promote a rich intellectual environment for the College. Deans work with a variety of internal and external constituencies to assure the high visibility of their programs on campus, in the community, and in the professions.

### 1.7.E The Faculty

Because the central purpose and reputation of an academic enterprise rests in its teaching, research, scholarship, and creative works, the excellence of the Schools which comprise Simmons and the competence and dedication of its Faculty are interconnected. Above all, the Faculty dedicates itself to teaching, learning and advancing knowledge. It is a guardian of academic freedom both within the Faculty and in relation to others. The Faculty is responsible for the conduct and professionalism of its members, regardless of rank or tenure status. The Faculty assures its continued effectiveness through its hiring and promotion recommendations, on-going evaluation and assessment, and maintenance of professional currency.

#### *1.7.E.1 General Principles for Faculty Participation in Institutional Governance*

- The Faculty will be consulted and asked to make recommendations on areas that involve academic matters.
- The Faculty has primary responsibility for such fundamental areas as curriculum, subject matter, assessment of learning, methods and evaluation of instruction, faculty status, standards and procedures for admission of students, and those aspects of student life that relate to the educational process.
- The Faculty sets the degree requirements, determines when the requirements have been met, and otherwise qualifies students and recommends them to the President and Board of Trustees to grant the degrees thus achieved.
- Considerations of faculty status and related matters are primarily a responsibility of the Faculty; this area includes matters relating to recommendations about academic titles, appointments, reappointments, promotions, tenure, and dismissal. Policies and procedures shall be developed for the implementation of these Faculty responsibilities. The President, the Provost and Deans shall give serious consideration to such recommendations.
- When decisions are made contrary to the Faculty's recommendations on curricular and educational matters, they shall be communicated, in writing, to the recommending Faculty.
- Faculty shall participate meaningfully in the determination of policies and

procedures governing faculty compensation, as outlined in Section 1.9.F (Compensation Subcommittee).

- Budgetary policies and decisions directly affecting those areas for which the Faculty has primary responsibility—such as, but not limited to, curriculum, subject matter, methods and evaluation of instruction, assessment of learning, research, faculty status, admission of students, and those aspects of student life that relate to the educational process—shall be made in consultation with the Faculty.
- Faculty shall participate meaningfully in institutional and strategic planning that directly affects those areas for which it has primary responsibility.
- Committees and other mechanisms for Faculty participation in governance of the College shall be established at each level (i.e., within a School, among Schools, or College-wide) where faculty responsibility is to be met. The structure and procedures for Faculty participation should be designed and proposed by joint action of the relevant Faculties and Deans, and approved by the voting Faculty of each School. The Faculty shall determine not only the selection of its representation, but also the means of selection.

#### *1.7.E.2 Voting Faculty*

Only full-time and proportional faculty as defined in Section 2 of this *Manual* shall be eligible to become voting members within their respective Schools. The Faculty of each School shall determine who shall be voting members of its Faculty. The President and the Provost of the College shall be voting members of each Faculty, and the Dean of each School shall be a voting member of her or his Faculty.

#### *1.7.E.3 Faculty Participation in Searches for the Provost and Academic Deans*

Faculty shall play a role in searches for the Provost and academic deans. The Faculty Senate is the representative body that shall be consulted when searches for the Provost and academic deans are required.

Prior to the posting of the position description for the Provost, the President shall meet with the Faculty Senate to discuss the type of involvement that the Faculty Senate and/or the Voting Faculty of the Schools shall have in the interview process and selection of the new Provost.

Prior to the posting of the position description for an academic dean, the Provost shall meet with the Faculty Senate leadership and the Senate representatives from the affected academic unit to discuss the level of involvement that that unit's faculty and the Senate shall have in the interview process and selection of the new academic dean.

The above requirements apply to searches for the Provost and permanent academic deans, not to interim or acting appointments.

#### 1.7.E.4 Faculty Participation in Formal Evaluation of the Performance of the Provost and Academic Deans

A formal performance evaluation process for the Provost and the academic deans will occur near the end of the fourth year of the incumbent's service. The input into the evaluation process will be comprehensive, including feedback from faculty and other appropriate constituencies relevant to the particular academic unit or to the Provost.

Once every four years, the President shall meet with the Faculty Senate to solicit feedback regarding the performance of, strengths of, and areas for improvement for the Provost. During the same time period, the President shall survey the Voting Faculty from all academic units regarding performance, strengths and areas of improvement for the Provost. The President shall solicit input from the Senate on the survey instrument to be used prior to the survey's distribution.

Once every four years, the Office of the Provost shall survey the Voting Faculty of each academic unit regarding performance, strengths, and areas of improvement for their academic dean. The Provost shall solicit input from the Senators of each academic unit on the survey instrument to be used prior to the survey's distribution.

### 1.8 FACULTY SENATE

#### 1.8.A General

The Faculty Senate (hereafter the "Senate") is the primary governance body for the Simmons College Faculty.

The Senate provides for the Faculty a forum and a voice beyond the individual Schools that allows the Faculty to assert its viewpoint and principles in support of the general welfare of Simmons College. It serves as the primary means of communication from the Board and the Administration to the Faculty and vice versa.

Normally, the President of Simmons College reviews and considers the Senate's recommendations. The President's review ensures procedural integrity, consistency with sound academic principles, the institution's mission, financial conditions, and other institution-wide concerns.

Specific functions of the Senate include:

- (a) Acting as a coordinating committee and deliberating on any matter within the province of the Faculty for the purpose of formulating policy for approval of the Faculty. This includes such issues as faculty workload and proposed changes to the *Faculty Policy Manual*;
- (b) Facilitating communication with Faculty among and between schools and holding all-College Faculty meetings once per semester;
- (c) Seeking to safeguard academic freedom across the entire College by identifying relevant issues in individual units;



- (d) Seeking to safeguard faculty governance rights across the entire College by addressing violations of the *Faculty Policy Manual*;
- (e) Serving to represent the Faculty to College administrators, trustees, staff, and students and those outside of Simmons College;
- (f) Producing consensus statements to advise, recommend, or convey a sense of faculty opinion;
- (g) Discussing and putting before the Faculty any and all proposed modifications and/or amendments to the *Faculty Policy Manual*;
- (h) Providing input on issues that affect all faculty, such as the academic calendar, library policies, and faculty compensation;
- (i) Serving as a body for faculty discussion of both the College mission and Strategic Plan and any proposed modifications to either mission or plan.
- (j) Allowing any faculty member to propose issues for consideration by the Senate, either through a Senator or the Senate President.

#### 1.8.B Membership

The Voting Faculty of each School shall elect Senators via procedures specified in the Senate by-laws. The Voting Faculty of each School is defined in the implementation guidelines of each School.

#### 1.8.C Committees

All committees with faculty representation that represent or serve the College as a whole and that stand in contrast to those convened by and for the individual academic units of the College (such as tenure and promotion) shall normally have their faculty membership's election coordinated by the Senate. When there is a vacancy on either a standing or ad hoc committee, the Senate shall notify the Faculty of the academic unit from which a representative is needed that such a vacancy exists. The Faculties of individual units shall choose their own representatives to all such committees. Normally the Faculty Senate will coordinate and conduct elections by electronic ballot or other means that are reliable and afford reasonable protection of voter's privacy.

The primary means of communication from the Board of Trustees or the Administration to the Faculty will be the Faculty Senate. Whenever there is some doubt concerning the appropriate communication path, the Board of Trustees or the Administration shall first contact the Faculty Senate, which will then decide whether to delegate responsibility for the issue to itself or others.

All Faculty representatives of each of the standing, all-College committees shall report regularly and comprehensively to the Senate as requested during the time they serve on the standing, all-College Committee.

The following committees are faculty committees whose composition is coordinated by the Faculty Senate with appropriate representation from the academic units:

#### *1.8.C.1 Faculty Fiscal Affairs Committee*

See Section 1.9 below.

#### *1.8.C.2 Hearing Committee*

The purpose of the Hearing Committee is to attempt to resolve problems that arise regarding the implementation or interpretation of the College's policies contained in this *Manual* as they pertain to a faculty member. The Hearing Committee determines initially whether formal proceedings should be commenced. If it decides to commence formal proceedings, it presides over those proceedings. The Hearing Committee consists of one member elected by the Voting Faculty of each School from among the tenured Faculty of that School. (See also Appendix C.2.C.2.)

#### *1.8.C.3 Honor Board*

The Honor Board is the judicial board of Simmons College. Cases involving both undergraduate and graduate students are heard by the Honor Board. The Honor Board shall make decisions in the name of the community regarding the disposition of cases of students who fail to meet academic and social standards as prescribed by the Honor System, or for those whose conduct otherwise disrupts the functioning of the College as an open community. It consists of faculty members elected from all professional ranks from the Faculties of all of the Schools for staggered three-year terms; students selected through processes appropriate to each unit; and the Dean for Student Life, or her or his designee, *ex officio* and nonvoting, who serves as the secretary.

#### *1.8.C.4 Review Committee*

The Review Committee determines whether adequate consideration was given to the Criteria for Promotion and Tenure and/or to determine whether new information is sufficiently significant in the context of the promotion and/or tenure case to merit reconsideration of the case. The Review Committee makes its determination by reviewing the written reports prepared by the committee on promotion and tenure, by interviewing the members of the committee on promotion and tenure, the appropriate Dean, Provost, and/or the President, and, in the case of new information, by considering that information in the context of the case. The Review Committee consists of five voting members chosen by the Voting Faculty of each School from among the tenured faculty of that School who have previously served on their respective committees on promotion and tenure. (See also Appendix A.)

The following committees will be advisory to the Provost.

#### *1.8.C.5 Assessment of Teaching and Learning*

Simmons affirms its commitment to the promotion of excellence in teaching and learning. Central to promoting such commitment is systematically assuring student learning outcomes, teaching efforts, program effectiveness, and the like.

A committee of faculty and administrators shall be formed by the Provost in consultation with the Faculty Senate to develop appropriate procedures and instruments for gathering and analyzing data concerning the above.

#### *1.8.C.6 Academic Technology Committee (ATC)*

#### *1.8.C.7 Simmons Fund for Research Committee*

The Committee consists of five members, appointed to five-year terms, with one member each year serving her or his final year as chair. At the final Committee meeting of each academic year, members review the current Committee composition, and solicit nominees from the Faculty Senate for the Provost's consideration for a new five-year appointee. Every effort is made to maintain a balance between senior and junior faculty representing undergraduate and graduate areas of the College and professional areas and the liberal arts and sciences. Other criteria include the candidate's experience conducting research and length of service at the College. The Provost in consultation with the Deans appoints the Committee. The Committee Chair communicates with the Provost's Office.

#### *1.8.C.8 Honorary Degrees*

The Honorary Degrees Committee (HDC) is an all-college faculty committee charged with collecting, evaluating and recommending candidates for honorary degrees on behalf of the Faculty of Simmons College. The committee is comprised of eight members, at least one from each School. Members serve three-year terms. The Vice President for Advancement and the Vice President for Marketing or their representatives shall be *ex officio*, nonvoting members.

The HDC solicits nominations each fall and conducts research into the nominees before ranking them according to criteria set by the Faculty:

- Degrees should be awarded to both men and women. The controlling justification should be the contribution the individual has made to the objectives to which the College is dedicated.
- Care should be taken to award degrees only to men and women who made outstanding contributions to scholarship, the Simmons community, and/or the wider community.
- Members of the Simmons community who receive honorary degrees, in compliance with the standard set in 1975, must be truly distinguished in their own right and must receive their degree only after they retire or leave Simmons.

Criteria for selection of recipients of honorary degrees, agreed to by the HDC and the President's office, include: a) achievement; b) demonstrated or potential commitment to enhance the mission of the College and/or increase the visibility of the institution; and c) long-term dedication or service to the College. It is not expected that every candidate will fulfill all of the above criteria. All candidates for honorary degrees must undergo the committee's screening, including commencement speakers.

The HDC will report its recommendations directly to the Provost who will convey them to the President. The President will convey recommendations to the Board of Trustees for their approval.

#### *1.8.C.9 Intellectual Property Committee*

The Intellectual Property Policy provides for an Intellectual Property Committee on which Faculty representation is at least equal to that of the Administration. The Intellectual Property Committee's responsibilities include identifying areas in which policy development is needed and recommending new or revised institutional standards, policies and guidelines. The College and the Faculty commit to selecting members of the Intellectual Property Committee and convening the Committee for purposes including applying the above stated principles to recommend revisions to the Intellectual Property Policy that they believe to be appropriate, including concerning those provisions intended to apply specifically to the Faculty. The College and the Faculty further agree that the Intellectual Property Policy shall be revised to provide that the Faculty representatives shall be appointed by the Faculty Senate. (See 1.10 below)

#### *1.8.C.10 Institutional Animal Care and Use Committee*

The Institutional Animal Care and Use Committee (IACUC) fulfills a federally mandated function. In accordance with federal regulations, all research involving animals conducted at Simmons College or conducted by Simmons College faculty, staff, or students must be reviewed and approved by the College's IACUC.

The IACUC acts in compliance with its Federal Assurance (Public Health Service, Policy on Humane Care and Use of Laboratory Animals) and follows the "Guide for the Care and Use of Laboratory Animals." The committee meets at least once every six months to (a) review all applications for use of animals in teaching and research, (b) review the institution's program for humane care and use of animals, and (c) inspect all of the institution's animal facilities. The Chair of the IACUC provides semiannual reports to the Institutional Official and annual reports to the Public Health Service.

The IACUC consists of at least five members appointed by the Provost for unlimited terms. The composition of the committee meets the requirements of the Public Health Service and includes a veterinarian, an individual appointed from outside the Simmons community, and a nonscientist.

#### *1.8.C.11 Institutional Review Board*

The College's Institutional Review Board (IRB) is charged by the College President with the responsibility of reviewing research proposals for the purpose of protecting the rights of individuals who are subjects of any research conducted by faculty, staff, or students of Simmons College. Federal Regulations place responsibility on the College and the Principal Investigator(s) to ensure that high ethical standards are maintained for all research involving human subjects. The Provost will appoint the members of the committee in consultation with the Deans.

#### *1.8.C.12 Radiation Safety Committee*

#### 1.8.D Budget

The Senate shall receive an annual budget from the College to conduct its business. Expenditures shall be authorized by vote of the Senate.

### 1.9 FACULTY FISCAL AFFAIRS COMMITTEE

#### 1.9.A General

The Faculty, a key stakeholder in the long-term financial viability of Simmons College, receives and provides, through the Faculty Fiscal Affairs Committee (FFAC), information, opinions and recommendations concerning the College's general fiscal condition and faculty compensation, both on an ongoing basis and also in a timely manner during the College's annual budget setting process. The FFAC provides an additional perspective and viewpoint regarding financial management of the institution and is an essential vehicle for widespread faculty support of the College and its strategic initiatives. The FFAC, a valuable, informed group, functions as the primary discussion forum to enable a comprehensive and fruitful exchange of ideas on financial matters in the context of the College's strategic objectives and imperatives.

In order for the FFAC to fulfill this role, the College will provide the FFAC with regular and timely financial reports, such as quarterly financial reports based on the quarterly closes and draft budgets for each fiscal year. Information pertaining to the College's benefits policies on sabbatical and special leaves can be found in Section 2.6, and information about other types of benefits or leaves that may be available to Faculty, including family and medical leave, can be found in the *Simmons College Employee Handbook* or in separate pamphlets describing benefits provided to faculty members and other Simmons employees.

#### 1.9.B Faculty Role in Process of Determining Compensation and Budget

The Faculty Fiscal Affairs Committee (FFAC) is the primary vehicle through which the Faculty communicates with the President, Senior Vice President and Chief Financial Officer (CFO), and the Provost on matters relating to financial constraints and objectives, budget priorities and the College's fiscal affairs, including both faculty compensation and benefits. The FFAC is responsible for keeping abreast of the College's financial situation, its limitations and opportunities, and for sharing its knowledge with the Faculty as a whole by means of regular and close communication with the Faculty Senate, as appropriate, recognizing the role of the Senate in providing a forum and voice for faculty. Close communication is defined as regular conversations between FFAC Chair(s) and the Faculty Senate President. The Faculty Senate President will serve as an *ex officio*, nonvoting member of the FFAC, with full access to its minutes, and the FFAC Chair(s) will meet jointly with the Faculty Senate once per semester to report to the Faculty Senate on activities of the FFAC. The Senate President will provide minutes of Senate meetings to the FFAC Chair(s).

The primary means of communication to and from the Board of Trustees, the Administration, and the Faculty on a broad range of issues will be the Faculty Senate. Whenever there is some doubt concerning the best communication path, it is appropriate that the Board or the Administration first contact the Faculty Senate, which will then decide whether to delegate responsibility for the issue to itself or to another Faculty committee or group. Nevertheless, there will also be many issues that are essentially fiscal or budgetary,

including the annual budgeting process for which the FFAC has the primary faculty responsibility. For such essentially fiscal or budgetary issues, it is appropriate that the Board of Trustees or the Administration directly contact the FFAC with the assurance that the Faculty Senate will be kept aware of the issues.

#### 1.9.C Membership

The Committee shall have two representatives from the CAS undergraduate Faculty, two representatives from the CAS graduate Faculty, and two representatives from each of the other Schools, with no fewer than twelve members of FFAC. At least one representative from each School shall be tenured. These faculty representatives, elected by their respective Faculties, shall serve a three-year term, which may be renewed for no more than one additional term. Initial terms will be staggered to ensure continuity on the Committee. The Committee shall elect its own Chair(s) by July 1 each year, and the names of all Committee members and the name(s) of the Chair(s), shall be forwarded to the President of the College and to the Faculty Senate. The Committee may at its discretion establish subcommittees to carry out its charges.

#### 1.9.D Charge

As part of the budget process, the Committee shall provide to the President (and her or his designees) written recommendations regarding (a) proposed budget priorities for the next academic year, (b) other fiscal and budgetary matters, (c) faculty compensation and matters related to compensation, including workload, fringe benefit alternatives and enhancements, (see Section 1.9.F below), and (d) determinations of financial exigency as explained under Section 3.4.C of this *Manual*. These recommendations may include proposals for fiscal or budgetary priorities; the percentage allocated to faculty salary increases, including merit increases, retirement incentives, and the distribution of compensation and benefits among Programs or Schools or ranks. The President shall give serious consideration to the FFAC's proposals as part of the budget process, and shall also provide the Faculty's recommendations to the appropriate Committee of the Board of Trustees.

1.9.E Information In order for the Committee to make informed recommendations, the President and/or the Senior Vice President and CFO (or their designees) shall share with the Committee a College-wide draft budget for the coming academic year. The draft budget shall be shared in a time frame consistent with the FFAC's advisory role, and in any case before the budget is discussed and approved by the Finance Committee of the Board of Trustees. The draft will be submitted in a format and level of detail consistent with enabling the FFAC to provide constructive advice and feedback on the allocation of financial resources. Specifically, the draft budget should contain:

- A College-wide revenue budget by category of revenue (such as graduate tuition, undergraduate tuition, gifts for current use, distribution from endowment, etc.)
- A College-wide expense operating budget by natural category of expense (such as salaries, benefits, materials and supplies, interest expenses, etc.).
- A College-wide operating profit or loss projection.

- A list of the major budget assumptions (such as salary increase pool, undergraduate enrollment projections, etc.) and priorities, as well as an explanation of how they align with the College's main strategic objectives.

From time to time during the Fiscal Year, the Provost and the Senior Vice President, or their designee(s) will also share with the Committee the Profit and Loss analysis by School and area, or, if opportune, by Program. In a timely manner for decision-making, the President (and her or his designees) shall also provide individual salary data by School, rank, and gender, but without names, to a member of the Compensation Subcommittee who shall use the data for committee recommendations. The specific data will remain confidential and only aggregate information will be disclosed to faculty at large.

#### 1.9.F Compensation Subcommittee

There shall be a standing subcommittee of the FFAC called the Compensation Subcommittee, which shall meet at least once yearly with the President. This Committee shall be composed of six members of the tenured faculty chosen as follows: two members of this Subcommittee shall be chosen from the current membership of the FFAC, one member shall be from the current membership of the Senate, and three members shall be chosen at large from the Faculty of the College. Each School shall be represented on the Subcommittee. The Chair of the Compensation Subcommittee, who should be a member of the tenured faculty, should attend all meetings of the FFAC and regularly report to FFAC about the Subcommittee's activities.

The agenda of the Subcommittee should include review of monetary compensation to faculty, review of faculty benefits (including sabbaticals and leaves), and other related compensatory activities prior to their implementation. The subcommittee should annually report on its activities to the Faculty.

#### 1.10 INTELLECTUAL PROPERTY RIGHTS

Simmons reaffirms its traditional and historic commitment to the personal ownership of intellectual property rights in works of the intellect by their individual Faculty creators developed without using resources beyond those normally provided by the College, whether the creators work alone or with others, and whether they work privately or as members of the Simmons community.

Simmons may create or commission works in its own behalf, whether as works-for-hire or otherwise; and Simmons may acquire such works from, or develop them in company with, individual authors on terms that take into account the contributions by Simmons and the author. Those terms should follow consistent standards, with individual agreement to be reached between the College and a faculty member in unique situations.

The College's current Intellectual Property Policy sets forth standards concerning intellectual property rights of the College, Faculty, staff and students.

**SECTION 2. APPOINTMENT, RETENTION AND LEAVES**

			Time Status		
Appointment Type		Possible Ranks	Full-Time	Proportional	Part-Time
			Tenure-stream	Tenured	Distinguished Professor
Professor					
Associate Professor					
Tenure-stream	Tenure-track	Associate Professor	✓	✓	N/A
		Assistant Professor			
		Instructor			
Contract	Practice-track	Professor of Practice	✓	✓	N/A
		Associate Prof. of Practice			
	Lecturer	Senior Lecturer	✓	✓	N/A
		Lecturer			
Adjunct			N/A	N/A	✓

TABLE: Faculty Appointments, Ranks, and Time Status

**2.1 TYPES OF FACULTY APPOINTMENTS**

A full-time or proportional faculty member may hold a tenured, tenure-track, or contract appointment. An adjunct faculty member is contracted on a course by course basis.

2.1.A Tenured Appointment

An appointment of a faculty member who has been granted tenure is a tenured appointment. A faculty member may be granted tenure only by the decision of the Board of Trustees following review by the appropriate School’s committee on promotion and tenure, the appropriate Dean, the Provost, and the President in accordance with the Policies Pertaining to Promotion and Tenure (see Section 2.4), following the completion of a probationary period. (See Section 2.4.D.2.)

A tenured appointment carries with it the College’s commitment to offer a faculty member a full-time teaching load and a bona fide salary and benefits. Although a tenured appointment is generally full-time, the Dean, the Provost, and the President may, in certain circumstances and at the request of the faculty member, approve a transfer to proportional status with no loss of tenure for a limited period, which may be extended. The maximum cumulative time for a proportional appointment of a tenured faculty member is five years.

2.1.B Tenure-Track Appointment

A tenure-track appointment is an appointment that is part of a probationary period of a faculty member who has not been granted tenure. (See Section 2.4.D.2.) A tenure-track appointment may be for one year or for any other limited period of time. A tenure-track appointment is granted by the Provost upon the recommendation of the Dean and after consultation with the appropriate Faculty in the School. Tenure-track appointments are



renewed by the Provost upon the recommendation of the Dean. Generally, a tenure-track appointment is a full-time appointment, but the Provost may, in certain circumstances and at the request of the faculty member and upon the recommendation of the Dean, approve a transfer to proportional status for a limited period up to three years. The probationary period for tenure may be adjusted accordingly upon the recommendation of the Dean and with the approval of the Provost. (See Section 2.4.G.3.)

#### 2.1.C Contract Faculty Appointment

A contract appointment is an appointment that is not tenured and is not part of a probationary period. Contract appointments serve in professional practice appointments or non-tenure-stream academic appointments (see Section 2.3). A contract appointment may be full-time or proportional at half-time or greater. A contract appointment may be for any limited period of time up to three years and is renewable by the Provost upon the recommendation of the Dean. Except in unusual circumstances, contract appointments are subject to the hiring procedures outlined in Section 2.1.E. The Provost approves the terms and conditions of the contract appointment upon the recommendation of the appropriate Dean after the Dean's consultation with the appropriate Faculty in the School or College.

As a general matter, a contract appointment is not a substitute for a tenure-track appointment. The College makes contract appointments only for specific reasons, such as to satisfy the need for special expertise; to respond to a special institutional, departmental, or program need; to fulfill a project that is contingent on funding; or to retain a professional who does not otherwise meet the terminal degree requirement criterion for a tenure-track appointment. In some cases, however, the Dean in consultation with the appropriate Faculty, may propose offering a tenure-track position to an incumbent contract or visiting faculty member. In such circumstances, the Provost will generally invite the candidate to participate in an advertised competitive search process. In certain circumstances, the Provost may choose to waive the search requirement and offer the tenure-track position directly to the contract employee or visiting faculty member based on the quality of past performance and the needs of the School and the College. In cases where a contract appointment is converted to a tenure-track appointment, the period under which the faculty member held a contract appointment or visiting professorship normally will not count towards the probationary period for tenure.

#### 2.1.D Adjunct Faculty Appointment

Adjunct faculty are faculty members hired by the Dean of a School to teach specific courses. Adjunct faculty members' primary responsibility is teaching, but, where appropriate and stipulated in their contracts, they may assume other responsibilities. Adjunct faculty are not eligible for tenure, and time spent teaching as an adjunct faculty member will not count towards the probationary period of a tenure-track faculty member. Adjunct faculty are not voting members of the faculty.

As a general matter, an adjunct appointment is not a substitute for a contract appointment. With the exception of lab sections and/or the supervision of off-site work (e.g., internships), adjunct faculty can teach no more than three courses in the 9-month academic year. For the purposes of this Section, multiple sections of the same course are considered multiple courses.

### 2.1.E Faculty Hiring

Except in rare circumstances and with the approval of the Provost, tenured and tenure-track faculty, as well as contract faculty with multi-year appointments, are hired through an advertised competitive search process. The Provost must approve the search, the position description, composition of the search committee, the search process, the short list, selection of the final candidate and the terms of the offer. Deans are responsible for coordinating the recruitment and hiring process within their School.

Contract faculty members are hired by the Dean with the approval of the Provost, after consultation with appropriate Faculty in the School. Hiring of contract faculty with multi-year, rather than single year, appointments requires the approval of the Provost. If the contract is for a single academic year, approval from the Provost prior to an extension of an offer is not required. If the contract extension is for more than a single academic year, the Dean must seek the approval of the Provost prior to making the offer. When a contract faculty member receives two consecutive annual contracts, renewal for a third year may be reviewed at the discretion of the Provost.

### 2.1.F Faculty Letters

#### *2.1.F.1 Appointment Letter*

An appointment letter sets forth the terms and conditions of a faculty appointment at the time the faculty member is hired. All appointment letters must be approved by the Provost and must state certain standard terms and conditions common to such a letter: base salary, other individualized financial considerations or incentives agreed to between a faculty member and Simmons College (e.g., stipends), rank, appointment status (i.e., full-time or proportional), type of appointment (i.e., tenured, tenure-track, or contract), start date, and the portion of the year during which the faculty member has active responsibilities to the College (e.g., nine months, ten months or twelve months). The appointment letter will also stipulate the time period for which individualized financial considerations or other special terms and conditions will endure and indicate which special terms and conditions may be revised following the expiration of the stipulated time period.

If the initial teaching load differs from the standard set forth in this Manual (see Section 2.2.A), the letter shall also set forth the initial teaching load and any performance expectations (e.g., receipt and/or performance of research grants) that may be established in lieu of standard teaching load obligations.

In the case of a tenure-track appointment, the appointment letter must indicate the Tenure Decision Year, known as the "TDY," the year of midpoint review, if applicable, and the year when the faculty member will be eligible for her or his first sabbatical. Also, the appointment letter for a tenure-track faculty member with service at other institutions must indicate the amount of prior service at other institutions that will be credited toward the probationary period at the College, if any, as well as the TDY and the year of mid-point review, if applicable. When a faculty candidate has held a tenured position in a prior institution, the Provost, in consultation with the Dean and the appropriate committee on promotion and tenure, will determine the number of years, if any, credited toward the probationary period. (See also Section 2.4.D.2 {Probationary

Period}, Section 2.4.G.3 {Suspension of Tenure Clock for Professional Reasons}, and 2.6.E. {Course Reduction Vouchers for Research and Scholarship for Tenure-track Faculty})

#### *2.1.F.2 Renewal Letter for Tenure-track Faculty*

After the initial hire, the College shall offer continuing tenure-track faculty members renewal letters each year. A renewal letter specifies the faculty member's base salary and extends the terms and conditions of the appointment letter, unless the renewal letter specifies otherwise. Changes in base salary (other than increases) or other terms and conditions of appointment letters, as modified by previously agreed renewal letters, cannot be made without mutual agreement.

#### *2.1.F.3 Initial Tenure Appointment Letter*

Following an award of tenure, the College shall offer a newly tenured faculty member an initial tenure appointment letter. Such an appointment letter shall identify the change in the faculty member's appointment type to tenured. It shall also specify the faculty member's base salary and rank. It shall also extend the terms and conditions (as identified above) of the most recent tenure-track renewal letter, unless the initial tenure appointment letter specifies otherwise. In general, changes in base salary (other than increases) or other terms and conditions set forth in the original tenure-track appointment letter, as modified by previously agreed renewal letters, cannot be made in an initial tenure appointment letter without mutual agreement. The only exception is that the College may change a newly tenured faculty member's teaching load (see Section 2.2.A) to the standard teaching load and standard performance expectations in an initial tenure appointment letter without the faculty member's agreement.

#### *2.1.F.4 Annual Letter for Tenured Faculty*

The College shall offer tenured faculty members an annual letter that specifies the faculty member's base salary and extends the terms and conditions of the initial tenure appointment letter, unless the annual letter specifies otherwise. Changes in base salary (other than increases) or other terms and conditions of initial tenure appointment letters, as modified by previously agreed tenured faculty annual letters, cannot be made without mutual agreement.

#### *2.1.F.5 Contract Reappointment Letter*

When the term of a contract faculty member's appointment expires, the College may, at its discretion, offer a contract faculty member a letter of reappointment. A letter of reappointment specifies the base salary, other individualized financial considerations or incentives and any other changes in the terms and conditions of the faculty member's reappointment that will occur in the upcoming period of appointment compared to the current or previous appointment. Changes in the terms and conditions of a contract faculty member's reappointment letter cannot be made during the time period stipulated by her or his reappointment letter without mutual agreement.

#### *2.1.F.6 Benefits*

The “terms and conditions” referred to in this Section 2.1.F. are those in the categories identified in Section 2.1.F.1. They do not include employee benefits. The College’s benefits plans for all employees of the College are outlined in the Employee Handbook and other booklets and plan documents, copies of which are available from the Department of Human Resources and the Benefits Office. From time to time, the College may change the benefits accorded to all employees, and thus to faculty members. Prior to such changes, the appropriate faculty committees and Deans shall be consulted.

#### *2.1.F.7 Effect of Other Manual Provisions: Sunset Provisions*

The requirement for mutual agreement concerning changes in terms and conditions of appointment, renewal and annual letters is not intended to limit the College’s right to take actions in accordance with other provisions of the Manual that may affect terms and conditions. (See, e.g., Section 3.4 {Administrative Termination of Faculty Members}, Section 3.5 {Dismissal of Faculty Members.}) It is also not intended to require the continuation of special terms that an appointment letter or agreed renewal or annual letter states are applicable for only a stipulated time period.

## 2.2 FACULTY TIME STATUS

### 2.2.A Full-Time Faculty

Whether serving in tenured, tenure-track, or contract appointments, full-time faculty members have responsibilities that include teaching, supervising, and advising students; reviewing and developing existing and new programs and curricula; participating in College events; participating and assisting in faculty governance and departmental and administrative matters; providing service to the College; and contributing to the College’s pursuit of its mission. (See Section 1.3.) In addition, full-time tenure-stream faculty members shall be involved in scholarly and professional activities, which ordinarily would include research, publications, professional presentations, and/or other appropriate professional activities. (See Section 2.4.C.2.) The workload of contract faculty members may be apportioned differently over the three areas (teaching; research, scholarship, and creative works; and service), as defined in their contracts.

The Provost, working with the Deans and in consultation with appropriate faculty, shall be responsible for establishing and maintaining consistent expectations across academic units for teaching, research, scholarship and creative works, and service workloads, or equivalent responsibilities necessary for a faculty member to have full-time status. The standard teaching load for the College is six courses per full-time tenure-stream faculty member per year. Deans, after consultation with the appropriate Faculty, shall propose to the Provost, for approval, equivalent alternative workload requirements based on the college-wide standards and the particular needs of School or disciplinary area.

Course releases for substantive administrative service or research, scholarship, and creative works may be granted by the Dean in accordance with guidelines established by the Provost in consultation with the Deans and appropriate Faculty in the Schools. Each School’s

implementation guidelines shall specify, as necessary, the process by which such releases may be granted.

Each School may have different requirements concerning when faculty should be available to meet with students and to participate in the academic life of their respective Schools. Once the Provost has established Simmons College's own calendar, then each School may adjust its calendar through its implementation guidelines, adhering to observing Simmons determined holidays and allowing latitude as needed for specific degree programs.

## 2.2.B Faculty Who Work Less Than Full Time

### *2.2.B.1 Proportional Faculty*

The Provost, working with the Deans and in consultation with appropriate Faculty, shall be responsible for establishing and maintaining consistent workload standards across academic units for teaching, research, scholarship and creative works, and service, or equivalent responsibilities necessary for a faculty member to have proportional status. Faculty with proportional appointments are expected to work at least half-time and carry out the full scope of faculty responsibilities, though at a level consistent with the faculty member's proportional status. Deans, after consultation with the appropriate Faculty, may propose to the Provost equivalent workload requirements based on the particular needs of School or disciplinary area.

### *2.2.B.2 Adjunct Faculty*

Adjunct Faculty are expected to fulfill duties as specified in their appointment letter.

## 2.2.C Teaching and Professional Activities Outside of Simmons College

While the primary responsibility of any full-time or proportional faculty member is her or his service as a faculty member of the College, there are times when faculty members may engage in external professional activities providing that they do not create a conflict of commitment or a conflict of interest with the faculty members' responsibilities and duties to Simmons College.

A *conflict of commitment* occurs when, in the course of performing external activities, a faculty member's capacity to meet her or his obligations to Simmons College relative to workload, quality norms of teaching and advising, research, ~~and~~ scholarship, and creative works, and/or service is adversely affected. A *conflict of interest* occurs when a faculty member has a personal or professional external interest or obligation that compromises or interferes with her or his faculty duties and responsibilities and/or directly competes with the business of Simmons College or the faculty member's respective School.

### *2.2.C.1 Teaching*

Full-time faculty members may accept part-time teaching appointments at other institutions during the academic year if they obtain the prior written approval of the appropriate Dean. The Dean will assess such requests for conflicts of interest and conflicts of commitment. A faculty member should consult with her or his Department Chair or Program Director before seeking the Dean's and the Provost's approval. Any such approval is limited to a maximum period of one year, subject to renewal.

### *2.2.C.2 Other Professional Activities*

When a faculty member engages in outside non-teaching activities during the academic year (whether remunerated or voluntary) related to the faculty member's area of expertise at Simmons, the faculty member is responsible for informing the Dean in writing. Notification of such activities should occur prior to engaging in the outside activity. The faculty member and the Dean share responsibility to ensure that such external activities do not create conflicts of interest or conflicts of commitment as outlined above.

A faculty member's outside teaching appointment and/or other professional activity may not exceed twenty percent (20%) of the responsibilities of a full-time faculty member.

## 2.3 APPOINTMENT TO ACADEMIC RANKS

In general and subject to guidelines established by the Schools, a full-time or proportional member of the Faculty may be appointed to one of the tenure-stream academic ranks at the College (Professor, Associate Professor, Assistant Professor, or Instructor); to a practice-track position (Professor of Practice or Associate Professor of Practice); or to a non-tenure-stream academic position (Senior Lecturer or Lecturer). Part-time faculty hired to teach individual courses are considered to be adjunct faculty. Proportional appointments are at least half-time and require full participation in the academic life of the School or College at a level consistent with the faculty member's proportional status.

### 2.3.A Tenure-Stream Academic Appointments

#### *2.3.A.1 Distinguished Professor*

For appointment as a Distinguished Professor, a candidate must have held the rank of Professor for a minimum of six years and completed successfully at least one Periodic Developmental Multi-Year Review (see 2.5.B.3). The candidate must have made outstanding contributions in terms of scholarship within her or his field, or achieved literary or artistic distinction, and earned national and/or international recognition for her or his contributions. However, an outstanding scholarly artistic or literary record is not enough to merit this appointment; outstanding abilities in teaching must always complement scholarship. This is a meritorious appointment which is only awarded to exceptional faculty members. Only 5 individuals may hold the title at any one time, exclusive of retired members who retain Emeriti/ae status for life. The rank of Distinguished Professor is a career appointment and is held for the remainder of the recipient's active service at Simmons College. At the time of promotion, the Distinguished Professors will receive a salary adjustment, a research award, and a medallion to wear with their academic regalia signifying this distinction. Distinguished Professors will also serve as an informal advisory group to the Provost.

A candidate for Distinguished Professor may be nominated by her or his Dean, after consultation with the appropriate Faculty, through a confidential process. Candidates will be asked to compile a portfolio of their contributions to their field and of their success in teaching. The contribution to the field will be determined by soliciting confidential letters from recognized experts in the field who are "arms length" from the

candidate and are in a position to offer an objective assessment of the scholarly contributions of the candidate. The committee to review candidates will be chaired by the Provost, and will be comprised of at least two Deans and at least two other tenured professors at large, preferably other Distinguished Professors. The Committee will recommend candidates to the President, who will then bring the candidates to the Board of Trustees for approval.

#### *2.3.A.2 Professor*

For appointment as a Professor, a candidate must have earned an appropriate terminal degree in her or his academic discipline, as determined by the Dean after consultation with the School's appropriate Faculty, and have achieved distinction and continued accomplishment in the full range of her or his professional and academic activities. Promotion to a Professorship is the highest distinction normally awarded at the College. Normally, the recognized terminal degree will be a doctorate. A Professor is tenured.

#### *2.3.A.3 Associate Professor*

For appointment as an Associate Professor, a candidate must have earned an appropriate terminal degree in her or his academic discipline, as determined by the Dean after consultation with the School's appropriate Faculty, and have demonstrated a record of excellence in her or his professional and scholarly development and achievements. Normally, the recognized terminal degree is a doctorate.

An Associate Professor may or may not be tenured. Associate professors without tenure are typically those hired in at this rank from other institutions.

Normally, if on a tenure-track line, a candidate shall teach a minimum of three years as an Associate Professor at the College before consideration for promotion to Professor. However, an Associate Professor may be considered for promotion to Professor in any year in which she or he holds the rank of Associate Professor. Before the end of the sixth year of an Associate Professor's appointment as Associate Professor, the appropriate Dean and the faculty member should discuss her or his progress toward promotion to Professor.

#### *2.3.A.4 Assistant Professor*

For appointment as an Assistant Professor, a candidate must have earned an appropriate terminal degree in her or his academic discipline, as determined by the Dean after consultation with the School's appropriate Faculty, and have demonstrated the potential for professional and scholarly development and achievements. Normally, the recognized terminal degree is a doctorate. An Assistant Professor is not tenured.

Normally, a candidate shall teach at the College a minimum of five years as an Assistant Professor before consideration for promotion to Associate Professor. However, an Assistant Professor may be considered for promotion to Associate Professor in any year in which she or he holds that rank. An Assistant Professor must be considered for promotion to Associate Professor during the sixth year of her or his appointment as Assistant Professor unless, due to exceptional circumstances, a deferment of consideration is requested by the Assistant Professor and granted by the Provost after

consultation with the appropriate Dean. An Assistant Professor who has not been granted tenure after consideration by the College shall be offered a one-year terminal (non-renewable) contract at her or his current rank, salary, and benefits.

#### *2.3.A.5 Instructor*

An Instructor is a full-time or proportional faculty member receiving an academic appointment who is not appointed to the rank of Assistant Professor, Associate Professor, Professor, or Distinguished Professor. Typically, Instructors are in the process of earning the terminal degree appropriate for their academic field or discipline and are beginning a tenure-track appointment. An Instructor may be considered for promotion to Assistant Professor in any year in which she or he holds that rank, once the terminal degree is obtained. An Instructor may not be tenured.

#### *2.3.A.6 Emerita/us Status*

A tenured faculty member who leaves Simmons in good standing to retire or to assume a non-teaching position at another institution, or a part-time teaching position at another college or university, may be recommended for Emerita/us status by the Dean of her or his School, who then prepares a recommendation for the Provost. The Provost recommends the candidate to the President and Board of Trustees for approval. The candidate should have an academic career spanning at least 20 years and have been employed by Simmons for no less than ten years. Emeriti faculty are eligible for continuing institutional privileges, library privileges, access to technology workshops, parking privileges, e-mail accounts as consistent with the College's security policies, catalogue and website listings, professional use of title, and the right to march with members of the College's Faculty on ceremonial occasions such as commencement and convocation. Emeriti faculty, at the invitation of the Dean, may also participate more actively in the academic life of the School, including serving as guest lecturers, conducting research, serving on dissertation committees, and advising students.

### 2.3.B Non-Tenure-Stream Academic Appointments

#### *Senior Lecturer and Lecturer*

A Senior Lecturer or Lecturer is a full-time or proportional academic appointment. A Senior Lecturer or Lecturer is not required to hold a terminal degree in her or his field or academic discipline but must have the academic training to be able to teach effectively in her or his field. A Senior Lecturer or Lecturer is not eligible for tenure or for appointment to the academic ranks of Professor, Associate Professor, Assistant Professor, or Instructor. Senior Lecturers and Lecturers provide Schools with curricular stability, fulfill needs for specific areas of expertise and professional engagement, and alleviate an over dependence on part-time faculty. Lecturers and Senior Lecturers are expected to contribute primarily in the domain of teaching and generally have higher teaching commitments than tenure-stream faculty. Senior Lecturers and Lecturers must also meet the standards for scholarship or professional engagement established for this category of appointment in their respective Schools. A Senior Lecturer is distinguished from a Lecturer by her or his significant record of academic and/or professional experience and record of accomplishment in teaching. Based on meritorious



performance, a Lecturer may be promoted to Senior Lecturer by the Dean after consultation with the School's appropriate Faculty.

### 2.3.C Practice-Track Faculty Appointments

Simmons College recognizes that faculties are enriched by the integration of members with significant professional experience in their respective fields of practice, particularly in the professional schools.

#### *Professor and Associate Professor of Practice*

Faculty members on the Practice Track are hired because of their substantial professional reputation and/or achievements. The Professor of Practice designation represents an effective and meaningful way for the Schools to engage accomplished professionals who do not fit the traditional tenure-track academic model. Professors of Practice are faculty members whose expertise, achievements, and reputation developed over a sustained period of time qualify them to be distinguished professionals in an area of practice or discipline. Professors of Practice provide Schools with curricular stability, fulfill needs for specific areas of expertise and professional engagement, and contribute current knowledge and experience in the industry or practice area. Professors of Practice are not tenured and are not eligible for tenure.

Professors of Practice, in general, do not have to hold a terminal degree in their fields but must demonstrate evidence of significant professional accomplishments. Many Professors of Practice also have solid records of applied scholarship and/or practice-related research. Professors of Practice have 20 or more years of experience in their professions and have been distinguished by their accomplishments and recognized contributions to their field. Associate Professors of Practice normally have 10 or more years of experience and have achieved significant accomplishments in their fields. Where relevant, both Professors of Practice and Associate Professors of Practice must have the highest level of professional certification relevant to the discipline.

Professors of Practice are expected to teach, advise, remain current and engaged in their fields, and contribute to the academic life of the School through advising and mentoring students, attendance at department and faculty meetings, and participation in all-College activities as appropriate. School policies relating to consulting and external activities for Professor of Practice are the same as for full-time tenured or tenure-track faculty. Professors of Practice may be appointed by the Dean after consultation with appropriate Faculty and the Provost. Contracts for Professors of Practice are normally for a period of one to three years and are subject to renewal as recommended by the Dean and approved by the Provost.

### 2.3.D Other Types of Appointments

#### *2.3.D.1 Adjunct Faculty*

(See 2.1.D.)

#### *2.3.D.2 Joint Appointments*

Faculty may receive joint appointments at more than one School and shall be eligible to qualify as a Voting Faculty member in accordance with each School's implementation guidelines.

#### *2.3.D.3 Visiting Professor*

If a person is an experienced professional in her or his field, holds academic rank at another institution of higher education but is absent from that other institution while visiting the College, or retains primary responsibility in some other institution, she or he may be given equivalent rank at the College with the designation of Visiting Professor. An appointment as a Visiting Professor may be full-time, proportional, or part-time. An appointment as a Visiting Professor is for a limited period of time.

#### 2.3.E Faculty Serving as Administrators

A faculty member may serve the College as an administrator. The time during which a faculty member serves the College as a full-time administrator is not part of a probationary period. When time served as an administrator, either full-time or less, shall not be counted as part of a probationary period, the College shall so notify the faculty member. If a faculty member who has already been granted tenure serves the College as an administrator, she or he will retain tenure as a faculty member. Faculty appointed as administrators will remain eligible to serve as voting members of the Faculty within their Schools.

### 2.4 POLICIES PERTAINING TO PROMOTION AND TENURE

The promotion and tenure process should be thorough, well documented, consistent with applicable policies, objective, and collegial. The committees on promotion and tenure, the Deans, the Provost, and the President shall endeavor to ensure that the process adheres to these principles.

#### 2.4.A Committees on Promotion and Tenure

##### *2.4.A.1 Composition*

Each School shall have a committee on promotion and tenure comprised only of tenured faculty members. The Dean of each School acts as an administrative liaison to the committee, but is not a member of the committee.

##### *2.4.A.2 Functions*

The general functions of each committee on promotion and tenure (This *Manual* uses "PTC" to indicate committees on promotion and tenure at all the Schools) may include:

- a. Developing and periodically assessing the criteria for promotion and tenure within the various ranks of the Faculty;
- b. Expressing and encouraging genuine regard for reasonable consistency within a School or between and among Schools in the use of these criteria in accordance with all-College standards;

- c. Considering all candidates for tenure and promotion and assessing the qualifications and performance of the candidates in accordance with the criteria for promotion and tenure;
- d. Making recommendations and preparing comprehensive and timely written reports based on its assessments of the candidates in accordance with the criteria for promotion and tenure;
- e. Performing other functions consistent with the policies set forth in this *Manual* as determined by the Voting Faculty of each School.
- f. Assisting in obtaining external letters to aid in the assessment of the candidate's teaching, research, scholarship, or creative work.

#### *2.4.A.3 Confidentiality*

The President, the Provost, the Deans, and the members of the PTCs shall keep the deliberations, proceedings, and written reports of the PTCs and any letters obtained from external reviewers concerning tenure and promotion candidates, confidential, except as otherwise provided in this *Manual* or as stipulated by statute and common law.

#### 2.4.B The Dean and the Provost

Each Dean and the Provost assesses candidates in accordance with the Criteria for Promotion and Tenure, giving substantial weight to the reports and recommendations of the appropriate PTC. The Dean of each School makes recommendations regarding candidates for promotion and tenure within that School to the Provost, who in turn makes recommendations to the President, and the President makes recommendations regarding promotion and tenure to the Board of Trustees. In carrying out these responsibilities, the appropriate Dean, the Provost, and the President review the written reports on, and the dossiers of, all individuals who have been evaluated by the committee, prior to the recommendations of such a committee being communicated to the Board, the candidate, or other parties. The appropriate Dean, the Provost and/or the President, will meet directly with each PTC to discuss the process of tenure and/or promotion review and their respective recommendations. When the President transmits her or his recommendation to the Board, the President also conveys to it the recommendations of the Provost, the appropriate Dean and the PTC.

#### 2.4.C Criteria for Promotion and Tenure

The following general Criteria for Promotion and Tenure provide a guide for the evaluation process used by committees on promotion and tenure (PTCs), the Deans, the Provost, the President, and the Board of Trustees. The evaluation of candidates for promotion and tenure at each level of review will focus on Teaching; Scholarship (research, scholarship, and creative activities); and Service to identify three levels of performance: excellent, strong, and not strong. Excellence is desirable in all three categories, and the College's mission requires each candidate to be excellent in teaching. In addition, successful candidates for promotion and tenure must also demonstrate excellence in either Scholarship (research, scholarship, and creative activities) or Service and strength in the third criterion. All

promotion and tenure recommendations must reflect an evaluation of the needs of the College, School, or Department or Program. Thus, a fourth criterion is the needs of the College, School, and Department or Program. These criteria ensure the continued high quality of the Faculty, consistency in promotion and tenure decisions, and the continued vitality of the College and the effective support of its academic mission. These criteria are necessarily general in nature, and their application, including how the terms in the three-point rating scale are defined and applied for each criterion, shall be determined by the various Schools' implementation guidelines and adapted to each individual case.

#### *2.4.C.1 Excellence as a Teacher*

Excellence as a teacher is a necessary prerequisite for both promotion and tenure. The evaluation of teaching performance shall include multiple measures. The basis of the evaluation shall be the quality and effectiveness of the teaching. Peer and student evaluations, accompanied by quantitative and qualitative data, are generally an important means of evaluating performance in light of this criterion.

#### *2.4.C.2 Achievement in Research, Scholarship, and Creative Works*

Achievement can be demonstrated by a record of professional, scholarly, and/or creative work and involvement in the broader academic and professional community. That record would ordinarily consist of activities that include peer and/or public review. This includes research, publications, creative works, professional presentations, professional consulting activities, journal editorships, and other contributions relevant to the candidate's discipline. For more specific guidelines, see the implementation guidelines of each School.

#### *2.4.C.3 Contributions to Service Related to the Mission of the College*

Service related to the mission of the College consists of contributions of time and effort by faculty members that help to advance the College's mission. (See Section 1.3.) Service to the mission of the College can take a number of forms and can include a variety of activities. It can include, for example, community outreach, service on standing or ad hoc committees, participation in governance, service in curriculum or program development, advising students, Department or Program service, various forms of involvement with students beyond the classroom, and other service to the College's mission, within and beyond the College's campus.

#### *2.4.C.4 Needs of the College, School, and Department or Program*

Those making tenure recommendations and decisions shall consider the needs of and constraints affecting the College, the applicable School, and the applicable Department or Program. The PTCs shall focus primarily on the needs of and constraints affecting the applicable Department or Program and the applicable School, while the Board of Trustees, the President, the Provost, and the Deans shall consider the needs of and constraints affecting the College, as well as those affecting the applicable School and the applicable Department or Program.

For many years, there has been approximate equilibrium between the College's tenured full-time Faculty and its full-time Faculty without tenure, as measured across the College

as a whole. Maintaining such equilibrium has helped the College to achieve the continuity, stability, and experience provided by an excellent tenured Faculty, while regularly adding vitality and promoting renewal through the addition of new faculty members. Accordingly, the College has a long-term goal of seeking to maintain a balance between the total tenured full-time Faculty and the total full-time Faculty without tenure at the College. Therefore, one of the factors to be considered by the Administration in assessing the needs of the College is the effect of each tenure decision on the College's long-term goal of maintaining a balance between tenured full-time Faculty and the full-time Faculty without tenure.

The College strives to maintain such a balance but rejects the imposition of a tenure quota. Our long-term goal should not be construed as precluding the granting of tenure.

#### 2.4.D Tenure Policies

##### *2.4.D.1 Eligible Faculty*

Normally, to be eligible to be considered for tenure, a full-time faculty member will have been appointed to the rank of Assistant Professor and will be in the final year of a probationary period.

##### *2.4.D.2 Probationary Period*

###### 2.4.D.2.a General

An appointment of a faculty member who has not been granted tenure is a tenure-track appointment or a contract appointment. The time during which a faculty member serves the College during a tenure-track appointment is part of a probationary period. Any change in the duration of the probationary period must be approved in writing by the Dean and Provost.

Normally, the time during which a faculty member serves the College during a contract appointment is not part of a probationary period. A faculty member with a contract appointment is not eligible to be considered for tenure during the period of the faculty member's contract appointment. However, after an advertised search for a faculty position, the College with the approval of the Provost may consider a contract faculty member for an appointment as a tenure-track appointment rather than as a contract appointment and, after the probationary period, may consider such a faculty member for tenure.

###### 2.4.D.2.b Tenure

The normal probationary period of a faculty member is six years of full-time faculty service. The length of time, however, may be shortened appropriately in the case of a candidate who has had prior years of service in other institutions of higher education, or it may be waived in exceptional circumstances. In addition, the probationary period may be suspended under certain circumstances, after consultation with the appropriate PTC, the Dean, and the Provost. (Section 2.4.D.2.e.) In implementation guidelines, each School may determine, among other subjects, whether, and if so, under what conditions, an individual may return to a

tenure-track appointment at the College after a break in service, other than an approved leave of absence.

2.4.D.2.c Prior Service at Other Institutions

Normally, faculty members who have had full-time teaching experience at other accredited institutions of higher education may have up to a maximum of three years of such service credited toward their probationary period at the College. The Provost, after consultation with the appropriate Dean, the appropriate PTC, and appropriate Faculty, such as the Department Chair, determines the amount of such service credited toward the faculty member's probationary period at the College. In making such a determination, the Provost shall consider the necessity of allowing sufficient time for the faculty member to present a complete dossier. The faculty member's appointment letter will state the amount of such service so credited.

2.4.D.2.d Waiver of Probationary Period

Under exceptional circumstances, a probationary period may be waived and an individual may be hired with tenure. If the College considers such a course of action, the appropriate PTC, the Dean, and the Provost will prepare separate written reports and recommendations based on their assessments of the candidate. Upon consideration of those recommendations, the President may approve waiver of the probationary period. As with all tenure decisions, a faculty member may not receive tenure without a favorable vote of the Board of Trustees. The other Policies Pertaining to Promotion and Tenure need not be followed. An individual will be hired with tenure only if she or he has an especially substantial record of accomplishment.

2.4.D.2.e Suspension of Probationary Period

A probationary period is suspended during a special leave of absence (Section 2.6.C), a family or medical leave of absence (Appendix D and Office of Human Resources) or a period during which the faculty member serves the College as a full-time administrator (Section 2.3.E). A probationary period may also be suspended under exceptional circumstances at the request of the faculty member and in consultation with the relevant PTC and with the approval of the Dean and Provost. Normally, a probationary period may not be suspended for an aggregate of more than two years. (See also Sections 2.4.D.2.b and 2.4.G.3.)

2.4.E Schedule for Faculty Promotion and Tenure Candidate

The normal schedule for promotion and tenure is as follows:

1. Any faculty member who is eligible to be considered for promotion or tenure shall initiate the promotion or tenure consideration process. The faculty member shall compile a dossier containing materials relevant to the four Criteria for Promotion and Tenure (as specified in Section 2.4.F) and submit it to the appropriate Dean by October 15 of the academic year in which the faculty member seeks promotion or tenure consideration, unless an earlier date is set by the faculty member's School. Among other subjects concerning these procedures, each School's implementation guidelines should include specification concerning the

contents of the dossier and supplementing of the dossier by the candidate and others. If October 15 falls on a Saturday, Sunday or holiday, the dossier shall be due on the next business day. A faculty member may introduce additional material into her or his dossier up until the time the dossier is submitted to the Provost's Office.

2. By December 1, each PTC submits written reports on promotion and/or tenure to the appropriate Dean and the Provost. After giving substantial weight to the committee's reports and recommendations, the Dean submits her or his written report and recommendations regarding all of the School's promotion and tenure candidates to the Provost by December 15. The Dean shall notify the PTC of her or his recommendation concerning whether promotion and/or tenure should be granted or denied. If December 1 or 15th falls on a Saturday or Sunday, the report(s) shall be due on the next business day.

3. The President shall transmit her or his recommendations for promotion and tenure to the Board of Trustees for consideration at its next meeting. As early as practicable and not later than March 1, the President, or her or his designee, shall notify in writing the relevant PTC, the appropriate Dean, the Provost, and the faculty member approved for promotion and/or tenure, of the new faculty rank and/or tenure status, to take effect in the next academic year. Even if the President has recommended promotion and/or tenure but the Board of Trustees has not acted on the faculty member's promotion or tenure case, the approval is still subject to the grant of promotion or tenure by vote of the Board and the right of the Board to deny promotion or tenure.

4. As early as practicable and not later than March 1, the President, Provost, or her or his designee, shall notify in writing the relevant PTC, the appropriate Dean, the Provost, and the faculty member who has not been granted promotion and/or tenure status of the decision. If a candidate has not been awarded tenure by June 30 of that year, the College will offer the faculty member a 10- to 12-month terminal appointment beyond the current appointment.

5. Subject to the principles of confidentiality underlying the promotion and tenure procedures, the President, or her or his designee, shall inform the faculty member of the recommendations of the parties concerned (i.e., the PTC, the Dean, the Provost, and the President) and shall explain in general terms reasons for the President's recommendation. A faculty member who is not awarded a promotion or tenure by the Board of Trustees may, within five (5) business days after she or he receives notice, upon written request to the Provost, meet with any or all of the following officials concerning the decision: the President, the Provost, the appropriate Dean, and/or the chair of the PTC at the faculty member's School. The officials so requested will determine whether the meeting(s) will be conducted individually or jointly. A faculty member who is not awarded promotion or tenure may also, in accordance with procedures described in Section 3.3 and Appendix A, petition for a limited review by a Review Committee. This does not apply to faculty members who have withdrawn from the promotion and tenure process.

6. Faculty members, PTCs, Deans, the Provost, and the President should make every reasonable effort to adhere to this timetable. However, as with other time frames and deadlines under this *Manual*, not satisfying time frames or deadlines generally will not be policy violations provided that a party makes good faith efforts to comply with those deadlines and time frames and that any delays are not unreasonable. (See Section 4.) In

promotion and/or tenure matters, the failure to comply with this timetable does not create any right to or expectation of promotion and/or tenure, since a faculty member may be granted tenure or be promoted only by the vote of the Board of Trustees.

#### 2.4.F Dossier Preparation

The chair of the PTC at each School is responsible for working with candidates in preparing dossiers. The candidate has access to all contents of the dossier throughout the review process with the exception of confidential letters.

Every candidate for tenure and promotion to Associate Professor is responsible for including the following in their dossier:

- A CV
- Personal Narrative: This statement, not to exceed ten (10) pages in length, must address all four criteria as stated in Section 2.4.C: excellence as a teacher; achievement in research, scholarship and creative works; service to the mission of the College; and institutional/departmental need. The candidate must assume that the PTC is not familiar with the context of her or his discipline.
- Discussion of their teaching philosophy
- Course Evaluation Summary Sheet(s) and other quantitative and/or qualitative evidence of teaching excellence
- Evidence of achievement in research, scholarship and creative works: Supporting materials appropriate for the discipline should be provided. These could include reviews, cases, articles, books, portfolios, experiments, compact discs, videotapes and/or film. In some cases it may be necessary to provide a brief description of the professional activity being offered for review (e.g., professional consulting within his or her discipline).

The School-specific implementation guidelines should specify:

- Specific organization and flow of the dossier
- Additional supporting documents as required by school, program or department
- Areas to be addressed in the Personal Narrative beyond teaching philosophy
- How and by whom confidential letters will be solicited
- Weighting of tenure criteria

##### *2.4.F.1 Promotion to Associate Professor*

Typically the candidate applies for promotion to Associate Professor simultaneously with the application for tenure and evidence of excellence in teaching, achievement in research, scholarship and creative works, service and need are the same for promotion to Associate Professor as they are for tenure.

##### *2.4.F.2 Promotion to Professor*

Candidates for promotion to Professor must demonstrate significant accomplishment in teaching; research, scholarship and creative work; and service since promotion to associate professorship. The candidate must demonstrate a record of sustained excellence in at least two of the three categories (one of which must be teaching) and



strength in the third category (achievement in research, scholarship, and creative work; and service). Candidates for promotion to Professor may address the needs of the College, School, and Department or Program. The candidate must assume that the PTC is not familiar with the context of her or his discipline.

#### *2.4.F.3 Letters of Recommendation for Tenure and Promotion*

At least three but no more than five external letters must be obtained from experts in the profession/discipline who serve as reviewers of the candidate's credentials. The letters should address the stature and accomplishments of the candidate in the profession/discipline. Experts should include some individuals chosen by the candidates and some individuals chosen by the Dean, Department Chair, or Program Director as stipulated by implementation guidelines. The reviewers should be "arms length" of the candidate and not collaborators, friends, or the like. A brief description and rationale for each reviewer and relationship to the candidate is provided in the dossier. If the external reviewers hold faculty positions, then the external reviewers should be tenured Associate Professors at minimum to review the credentials of Assistant Professors, and tenured Professors at minimum to review dossiers for candidates under consideration for promotion to Professor. The Dean shall determine any exception to these criteria, and the Dean shall finalize the list of names. The candidate does not have access to the final list of reviewers.

The letter to the reviewers shall state that their comments will be held confidential from the candidate. Each reviewer is instructed in writing to mail the comments directly to the Department Chair or Program Director. The reviewers shall be provided in a timely fashion with the candidate's supporting materials (i.e., publications, personal data sheet, personal statement).

Unsolicited letters will not be considered in the tenure or promotion process.

#### *2.4.F.4 Joint Faculty Appointments*

If a candidate teaches in more than one department, program or unit, the candidate's dossier must include a letter from the head of each department, program, or unit addressing the relevant criteria. Letters should be written in consultation with other tenured members of that unit.

Note: The recommendation of the appropriate PTC will be based solely on the material presented in the dossier. The candidate must assume that the PTC members are not familiar with the significance and scope of her or his accomplishments in the field.

#### 2.4.G Career Flexibility in Professional Circumstances

At Simmons, tenure-track faculty members typically apply for tenure in the sixth year of their probationary period. However, in some instances, other professional opportunities from within or external to Simmons may preclude a faculty member's productivity in the areas of criteria for tenure within the stipulated probationary period.

In this situation, tenure-track faculty may require another form of career accommodation for professional circumstances that interfere with progress in one or more of the three

tenure criteria areas: (a) teaching, (b) research, scholarship, and creative works, and (c) service.

Some circumstances may involve a leave from Simmons for an external appointment to a prestigious fellowship, or a circumstance may involve an internal appointment, e.g., the undertaking of administrative responsibilities or taking on the role as a Department Chair.

*Circumstances requiring a leave for family and/or medical illness are not fully addressed in this Manual (see Appendix D). For information on FMLA leaves for one's own medical conditions or those of a family member, faculty should consult Human Resources.*

#### *2.4.G.1 External Appointments*

Tenure-track faculty, during their six-year probationary period, may receive the offer of an assignment/position/fellowship external to Simmons that provides her or him with benefits to their professional development and growth. Under these circumstances, the faculty member may follow the process of application for a special leave of absence (2.6 b) that, upon approval, will be granted for the period of one year, with an option to extend to two years with approval from the appropriate Dean and Provost.

#### *2.4.G.2 Internal Appointments*

A tenure-track faculty member may be asked to take on an administrative role at Simmons, for example, chairing a department, leading a special administrative project or fulfilling another role at Simmons that requires a significant time commitment. In this type of situation, the faculty member remains at Simmons fulfilling agreed upon responsibilities, however, her or his time for research, scholarship, and creative work may be compromised in light of newly assigned duties. The faculty member may negotiate with the Dean for course release time and/or suspension of the tenure clock (see section 2.4.G.3 below).

#### *2.4.G.3 Suspension of the Tenure Clock for Professional Reasons*

In circumstances (2.4.G.1) and (2.4.G.2), a tenure-track faculty member may determine, in consultation with the Dean, that progress in one or more of the tenure criteria areas has been compromised because of one of the above situations. The faculty member may choose to request approval to suspend the tenure clock for up to two years, allowing for additional time to meet requirements for tenure.

When a tenure-track faculty member is appointed a full-time administrator, suspension of the tenure clock is automatically offered. However a faculty member who fulfills a part-time (at least half-time) obligation, should consider the impact of these roles on fulfilling tenure criteria. Under these circumstances, the faculty member may make a written request for a tenure clock suspension.

A request for a limited (up to two years) suspension of the tenure clock shall be made at the time, or within 3 months, after the new duties are assumed or assigned. Suspension of a tenure clock is prospective, not retrospective, and a request for suspension of the tenure clock is never appropriate in the year of a tenure application.

A request to suspend the tenure clock must be in writing to the Dean. The Dean makes a written recommendation to the Provost. Suspension of the tenure clock typically results from opportunities that take the faculty member away from the College or administrative roles that compete with time for research, scholarship, and creative work. However, faculty may also request suspension of the tenure clock for other reasons, including part-time or proportional circumstances that interfere with progress in one or more areas of the tenure criteria. Tenure-track faculty may only suspend the tenure-track clock for a maximum of two years.

## 2.5 REVIEWS OF FACULTY

Reviews of faculty members are a means of fostering professional growth and development by encouraging self-reflection and by providing an opportunity for advice and assistance from Deans, Department Chairs, and peers. Such reviews shall contribute to decisions about compensation, tenure and promotion, or renewal and reappointment as appropriate.

Each School is responsible for establishing a policy for review of faculty members and a mechanism for implementing that policy consistent with this Section 2.5. Reviews of faculty should comport with the schedules set forth in this policy, except that no review is required for an individual after she or he has resigned or received notice that her or his association with the College will terminate. In addition, this policy does not apply to faculty who serve as full-time administrators. Any period of service as a full-time administrator should not count in determining when a faculty member should receive a review under this policy.

### 2.5.A Review of Faculty with Tenure-Track Appointments

#### *2.5.A.1 Annual Review*

Each faculty member with a tenure-track appointment shall have an annual review according to criteria and procedures jointly developed by the Faculty and Dean of each School. Annual review for the corresponding academic year shall be completed in writing by June 30<sup>th</sup>. Copies of the annual reviews shall be kept on file in the Dean's Office and in Human Resources. This annual review shall contribute to determining compensation of faculty members. At a minimum, the review shall consider the following: a written self-assessment by the faculty member; quantitative and qualitative measures of teaching performance consistent with the Criteria for Promotion and Tenure as set forth by this *Manual* or any applicable implementation guidelines; and a written assessment by the faculty member's Department Chair, Program Director, committee of the faculty member's peers, or the faculty member's Dean, consistent with the Criteria for Promotion and Tenure as set forth by this *Manual* or any applicable implementation guidelines. Faculty members shall receive a copy of their annual review.

#### *2.5.A.2 Mid-Point Review*

Each faculty member with a tenure-track appointment shall receive a comprehensive review after three academic years of probationary status. The review must be completed within two months of the three-year anniversary. Unless the faculty member has submitted a written request to the Dean for a limited extension of time to delay the review, the written report must be completed within 30 days after the review. This "mid-point review" shall serve as an evaluative tool for retention decisions and shall

identify areas needing further development by the faculty member in anticipation of future possible tenure consideration.

The review shall include a written self-assessment. The review shall also include a written departmental evaluation or a written evaluation by a committee of tenured faculty as specified in implementation guidelines of the faculty member's School. This evaluation shall include an assessment of the faculty member in light of the Criteria for Promotion and Tenure as established by the College and the School. It shall also include an assessment of the faculty member's demonstrated capacity to develop and grow sufficiently to satisfy the Criteria for Promotion and Tenure as generally applied to tenure candidates by the School's committee on promotion and tenure.

The Department Chair or faculty committee shall forward the written assessments to the Dean, with a copy to the faculty member and to the Provost. The Dean shall then meet with the faculty member to discuss the results of the review and provide her or his own assessment. The Dean shall notify the relevant PTC of completion of the mid-point review.

While the College intends reviews of faculty members with tenure-track appointments in part to assist potential future candidates for tenure, they do not constitute representations of the likelihood of future reappointment or tenure. The College will make every effort to determine the relevance of institutional need at a candidate's midpoint review, which will be communicated to the candidate by her or his Dean.

#### *2.5.A.3 Review for Promotion and Tenure*

By September 30 of each academic year, the Office of the Dean will notify in writing tenure-track faculty who are eligible for tenure and promotion in the next academic year (e.g., faculty member is notified in the fall of 2010 for their consideration in the fall of 2011). A tenure-track faculty member normally shall initiate the process of review for tenure and promotion during the last year of a six-year probationary period. (See 2.4.D-E.)

### 2.5.B Review of Tenured Faculty

#### *2.5.B.1 Annual Review*

Each faculty member with a tenured appointment shall have an annual review according to criteria and procedures jointly developed by the Faculty and Dean of each School. Meetings should occur between May and September 15, and the annual review for the corresponding academic year shall be completed in writing by June 30<sup>th</sup>. Copies of the annual reviews shall be kept on file in the Dean's Office and in Human Resources. This annual review shall contribute to determining compensation of faculty members. At a minimum, the review shall consist of the following documents prepared in accordance with specifications in each School's implementation guidelines:

A written self-assessment by the faculty member, consistent with the Criteria for Promotion and Tenure as set forth by this *Manual* or any applicable implementation guidelines; and a written assessment by the faculty member's Department Chair, or by a committee of the faculty's member's peers, or by the faculty member's Dean, consistent

with the Criteria for Promotion and Tenure as set forth by this *Manual* or any applicable implementation guidelines. The faculty member will receive a copy of her or his annual assessment.

#### *2.5.B.2 Review for Promotion*

An Associate Professor may request consideration for promotion to Professor at any time and shall initiate the process of review for promotion in accordance with Section 2.4.E.

#### *2.5.B.3 Periodic Developmental Multi-Year Review (PDMYR)*

##### *2.5.B.3.a Purpose*

The periodic developmental multi-year review (referred to hereafter as "PDMYR") is designed to encourage, recognize, reward, and support the continuous development of tenured faculty at Simmons through a process of peer review. It is intended as a good faith commitment by the College to provide appropriate support for faculty development and recognition of tenured faculty members to continue excellence in teaching, research, scholarship and creative work, and service.

PDMYR will neither intrude on an individual faculty member's professional self-direction, impose a reevaluation or revalidation of tenured status, nor imply an obligation that the faculty member demonstrate why she or he should be retained.

##### *2.5.B.3.b Process*

By June 15, 2011, each School shall develop a process and plan for peer review of tenured faculty (PDMYR) in that School to be implemented by Spring of 2012. The Dean and appropriate Faculty of each School shall confer and collaborate to develop the required PDMYR process. Typically, the appropriate Faculty to collaborate in the development of the PDMYR process shall be the faculty body responsible for tenure and promotion recommendations in that School.

Each School's PDMYR process shall include, at a minimum:

- Selection of the PDMYR Committee that shall consist only of tenured faculty
- PDMYR Committee procedures and timelines for review during the academic year
- Materials to be used in the review process in addition to those required below
- A mechanism for the faculty member to respond to the PDMYR Committee's report

Each tenured faculty member who shall be reviewed will be advised by her or his Dean of the PDMYR no less than six months before the start of the academic year in which the review will take place. Each faculty member who is to undergo a PDMYR

shall take an active role in the process by assisting with planning, preparing, and collecting materials, and engaging in constructive dialogue with colleagues and the Chair of her or his School's PDMYR Committee.

The number of faculty members to be reviewed in any given year will be approximately one-sixth of the number of tenured faculty in each School. By September 1 each year, the Dean of each School shall provide the Provost with the list of names of those faculty who shall be reviewed in the current academic year in that School. A tenured faculty member may request a PDMYR in any year.

#### 2.5.B.3.c PDMYR and the Promotion Process

The PDMYR recurs at six-year intervals after the award of tenure unless occurring earlier by promotion to Professor. When an evaluation for promotion to Professor occurs, the next PDMYR will be held six years after promotion. The absence of an application to advance in the academic ranks does not change the faculty member's PDMYR schedule.

#### 2.5.B.3.d PDMYR and Notices of Retirement/Resignation

Faculty who have submitted an irrevocable letter of resignation, who have signed a retirement agreement, or who enrolled in any phased retirement program within two years of the academic year of their scheduled review are exempt from PDMYR.

#### 2.5.B.3.e PDMYR and Full-Time Administrative Appointment

Tenured faculty who hold full-time administrative appointments have the option of delaying a PDMYR for up to six academic semesters following her or his return to faculty responsibilities.

#### 2.5.B.3.f Materials Required for the Review

All relevant aspects of a faculty member's professional performance over the previous six years should be considered in a PDMYR. With that in mind, a faculty member being reviewed shall provide information/documentation on the following to the PDMYR Committee:

- A reflection about past performance in teaching; research, scholarship and creative work, and service, and a written statement of plans for the future as related to teaching, research, scholarship and creative work, and service before the next PDMYR.
- List of all courses taught during the last six years
- Peer and student evaluations of teaching from the past six years
- Research, scholarship and creative works that have been evaluated by peers
- Service activities during the last six years
- Annual Performance Reviews for the past six calendar years
- A current faculty curriculum vitae
- A written report of the outcomes of any sabbatical awarded during the pre-review period

- The most recent PDMYR
- Any additional materials the faculty member would like the PDMYR Committee to consider

#### 2.5.B.3.g Criteria

The College recognizes that the balance of faculty members' professional activities may shift over time and consequently, expectations for, and the goals of, individual faculty members may also change. If, for example, it is in the mutual best interest of the faculty member and the Department or School to have a tenured faculty member focus more on teaching and service than on research, then PDMYR for that faculty member should emphasize, acknowledge, and reward demonstrated excellence in teaching and service.

While a PDMYR is not a revalidation of the award of tenure, many characteristics of Simmons's tenure policies remain relevant in the PDMYR process:

- Maintenance of excellence and, where appropriate, innovation in teaching
- Continuing professional growth, scholarly activities, creative and artistic achievement
- Exercise of leadership in academic and administrative service
- Service and activities within Simmons and on behalf of the larger community

#### 2.5.B.3.h Outcomes

The PDMYR Committee shall consider all materials provided by the faculty member being reviewed. Upon completion of its review, the PDMYR Committee shall prepare a written report for the faculty member under review summarizing its views as to whether the faculty member's performance exceeds expectations, meets expectations, or needs improvement.

*Exceeds expectations:* Sustained excellence in teaching, research, scholarship and creative work, and service that is substantially above expectations and significantly exceeds the performance of most faculty at Simmons. Faculty members deemed to have exhibited such exemplary performance shall receive special acknowledgement from the Board of Trustees that includes a grant of support for professional development such as one or more course releases, a research stipend, and/or other tangible forms of recognition as may be recommended by the Provost in consultation with the Dean.

*Meets expectations:* Performance in teaching and achievement in research, scholarship and creative work, and service that fully meets expectations of professional competence and conscientious discharge of duties. To support their professional development, faculty members deemed to have met expectations shall receive recommendations and appropriate mentoring from the PDMYR committee, Dean, and/or Provost.

*Needs Improvement:* Performance in teaching and achievement in research, scholarship and creative work, and service that does not meet expectations of professional competence and conscientious discharge of duties. Faculty members deemed to need improvement shall by the start of the next academic year develop in consultation with the PDMYR Committee with input from the Dean, a professional development plan (PDP) intended to address weaknesses identified in the PDMYR. To this end, the PDP shall specify strategies and actions, and identify performance improvement indicators for assessing progress. The PDMYR Committee, with input from the Dean and Provost, is responsible for approving the faculty member's PDP, monitoring and evaluating improvement during annual reviews, and recommending appropriate resources as the PDP may require to support the faculty member's development before her or his next PDMYR.

#### 2.5.B.3.i Report

By April 1 of each year, each PDMYR Committee shall provide to each reviewed faculty member and his or her Dean a review which sets forth the Committee's conclusions and recommendations.

By May 1 of each year and after giving substantial weight to the PDMYR Committee's report, the Dean shall submit her or his own report and recommendations for resources to the Provost. The Provost shall review the reports from the PDMYR Committee and from the Dean no later than June 1 each year and shall notify the faculty member, the Committee, and the Dean of her or his conclusion(s).

When the performance needs improvement, the report will describe why the performance is unsatisfactory and provide suggestions for improvement.

#### 2.5.B.3.j Faculty Member's Response

All faculty members being reviewed are afforded the opportunity to review the completed report of the PDMYR Committee and to submit a response if they disagree with the Committee's conclusions and recommendations. This response must be submitted within two weeks of issuance of the Committee's report to the faculty member. The Committee shall forward to the Dean the faculty member's response.

#### 2.5.B.3.k Records

As with annual reviews of employees including faculty, all PDMYR reports of faculty shall be maintained in the offices of each School Dean and the Provost.

By June 30 of each year, the Deans of each School shall submit annual reports to the Provost listing the names of faculty members reviewed during the previous year and those for whom a professional development plan was recommended and established, along with a copy of that professional development plan.



Upon completion of the PDMYR, the Committee shall return to the faculty member all copies of the materials submitted to it. Once the review is complete, the Committee shall destroy all written notes, reports, and communications based on those materials, except those reports sent to the Dean and Provost, who maintain confidentiality.

#### 2.5.B.3.l Confidentiality

All matters relating to PDMYR shall be treated as confidential. All those who participate in the PDMYR process or who otherwise advise on individual cases are obligated to honor this commitment to confidentiality.

#### 2.5.B.3.m Periodic Assessment of PDMYR Process

The Deans, the Provost, the PDMYR Committee of each School, and faculty members who have been reviewed pursuant to these processes may periodically meet to assess the PDMYR process and discuss ways it might be improved within Schools and across Schools.

#### 2.5.C Review of Faculty with Contract Appointments

Each faculty member with a contract appointment shall have an annual evaluation conducted by her or his Department, Program, or Dean. This review shall contribute to determining compensation or retention of contract faculty members.

Each School shall develop policy and procedures for written evaluations of faculty members with contract appointments. The faculty member will receive a copy of any such annual assessment. Reviews of contract faculty members do not confer any representations regarding the likelihood of future offers of successive contracts.

#### 2.5.D Faculty Access to Their Personnel Records

Massachusetts state law grants employees access to their personnel records, but that law does not apply to those employed (or formerly employed) by a private university in positions that may lead to tenure, are tenured, or which involve responsibilities similar to those in tenure-track positions.

Although private university faculty do not fall under the Commonwealth of Massachusetts laws regarding access to personnel records, current and former Simmons faculty shall enjoy the same right of access under state law afforded to non-faculty employees at Simmons College, with the following exception: Documents created or acquired by the Trustees, the President, the Provost, the Deans and the members of the committees on promotion and tenure in conjunction with a review for promotion and tenure qualify as confidential both by nature, and by the terms of the *Faculty Policy Manual*, and shall remain confidential. Except for this category of documents, Simmons faculty may have the same access to their personnel records under state law, as do other non-faculty Simmons employees.

## 2.6 PROFESSIONAL DEVELOPMENT {FOR TENURE-STREAM AND CONTRACT FACULTY}

### 2.6.A Professional Development

Professional development refers to the acquisition and dissemination of knowledge or the acquisition of information and skill that enable a faculty member to become more proficient in her or his professional endeavors and thus better contribute to the mission of the College and the priorities of the Department, Program, and/or School. Faculty are encouraged to participate in and avail themselves of professional development opportunities, including those that are programmatically sponsored and provided by the College as well as those of outside agencies and organizations.

It is generally expected that the College shall provide faculty with resources for developmental opportunities. Developmental activities include, but are not limited to, travel to meetings and conferences, participation in workshops and short courses, development and incorporation of new teaching styles and methodologies, advanced certification, professional membership dues, disciplinary and interdisciplinary retooling efforts, preparation of manuscripts, access to major scholarly publications and databases, and purchase of research materials that are otherwise unavailable. Each School shall develop implementation guidelines for the criteria and process by which faculty professional development funds shall be awarded.

### 2.6.B Sabbaticals for Tenured Faculty

#### *2.6.B.1 Purpose*

The purpose of the sabbatical program is to aid in the revitalization and intellectual growth of the faculty member and promote the faculty member's academic contribution to the College and to her or his profession. The awarding of sabbatical acknowledges tenured faculty who have demonstrated a consistently high level of performance in teaching and in research, scholarship, and creative work. Sabbatical proposals and activities should align with the mission of the College as an institution of higher learning and result in demonstrable outcomes that contribute to teaching, research, scholarship, and creative work.

#### *2.6.B.2 Eligibility*

A faculty member is eligible to request a sabbatical only if she or he has served at least six years on a full-time basis at the College since beginning her or his work at the College or since her or his last sabbatical. The six years of service need not be consecutive.

Sabbaticals are reserved for tenured faculty at Simmons and they are granted only after or in conjunction with the applicant's being awarded tenure. If a sabbatical is delayed at the request of the faculty member or of the School, the period of delay will be included in the calculation of years' service until the affected faculty member is again eligible for a sabbatical. Faculty members should maintain documentation of such requested delays.

### *2.6.B.3 Types of Sabbaticals*

A sabbatical may constitute release from 100% of one academic year's usual teaching and service workload at 50% of base salary or a release from 50% of one academic year's usual teaching and service workload at 100% of base salary. For purposes of sabbatical policy, an academic year is defined as the start of the fall semester to the end of the spring semester, or any other nine- or ten-month equivalent period. Alternatives to these types of sabbaticals must be approved by the appropriate Dean and the Provost. In addition, the manner in which workload adjustments may be implemented for sabbaticals may vary from School to School based on the individual School's implementation guidelines, practices, and needs. Faculty on sabbaticals will be covered by the College's group plan policies (health, long-term disability, and life) (subject to applicable law and the terms of any benefit plans) on the same terms and conditions as if the faculty member had a full workload and were not on sabbatical.

Faculty members may not engage in full-time gainful employment during a sabbatical without prior written permission from the Provost. However, faculty members may continue to receive compensation for activities in which they regularly engage during their active full-time service, e.g., consulting, provided that the level of those activities is not substantially increased during the sabbatical period. When a faculty member receives compensation from other organizations or institutions to support the sabbatical, the College's contribution plus the sum of compensation from other organizations (plus travel and extraordinary living expenses) will not exceed the faculty member's normal College base salary for the period of the sabbatical.

### *2.6.B.4 Procedures*

Ordinarily, a faculty member seeking a sabbatical must submit a written proposal at any time up to October 1 of the year preceding the academic year in which the proposed sabbatical is to be taken. If October 1 falls on a Saturday or Sunday, the deadline for the proposal shall be on the following Monday. A faculty member should submit a proposal for a sabbatical to the appropriate Dean with copies to her or his Department Chair or Program Director and should thereafter within five (5) business days submit information regarding subsequent developments or other changes relevant to the material contained in the proposal to anyone who received the initial proposal. After consultation with the Department Chair or Program Director, the Dean will transmit her or his written recommendation to the Provost by November 1. The Provost, in turn, shall pass along her or his recommendations and those from the Dean and the Department Chair or Program Director, to the Trustees on the schedule set by the President in time for the winter meeting of the Simmons Board of Trustees. The President will make every reasonable effort to announce the decision of the Board of Trustees regarding the application to the applicant before March 1. Except when a sabbatical proposal is grossly inadequate, sabbaticals shall not be denied to those eligible (see Sections 2.6.B.2 and 2.6.B.7).

### *2.6.B.5 Contents of Proposal*

Each proposal should explain how the sabbatical activities support the faculty member's career goals and professional and research agenda. The proposal shall include a

statement indicating how it meets the purpose of sabbaticals, a plan describing in detail the objectives to be achieved, the breadth of activities in which the faculty member is to be engaged, the anticipated location where the work will be carried out, a timetable including the beginning and ending dates of the sabbatical, the potential benefits of the sabbatical to students and the Department, Program, or School, and how the sabbatical contributes to the mission of the College. In cases where external funding is anticipated, the proposal should include a statement identifying anticipated sources of funds. The College is not responsible for expenses such as travel incurred by faculty.

#### *2.6.B.6 Written Report*

By March 15 (for those taking a sabbatical in the fall semester) and October 15 (for those taking a sabbatical in the spring semester or a full-year sabbatical), the faculty member must submit a written report of her or his sabbatical activities to the head of her or his Department or Program, with full copies to the appropriate Dean and the Provost. Faculty should retain a copy of this report and be prepared to summarize outcomes of their last sabbatical when applying for the next sabbatical, as prior outcomes will be considered in the review process.

#### *2.6.B.7 Obligations to the College*

In recognition of the compensation paid to a faculty member during a sabbatical, a faculty member who takes a sabbatical is expected to resume her or his usual duties at the College for at least one academic year immediately following the completion of her or his sabbatical.

Faculty taking sabbaticals are expected to accomplish the objectives set forth in the sabbatical proposal within the proposed timeframe. If a faculty member determines that unexpected developments or other factors may require changes in an approved proposal, the faculty member and her or his Dean in consultation with the Provost must reach agreement on suitable modifications. Should the Dean or Provost obtain evidence that a sabbatical was not used appropriately, the Hearing Committee shall be convened in accordance with Appendix C to review the facts and to make a recommendation to the Provost about the faculty member's eligibility for further paid sabbaticals.

#### *2.6.B.8 Return Provision*

The faculty member is expected to return with the rank and appointment status that she or he had at the commencement of the sabbatical. For the purpose of determining salary adjustments, sabbaticals will be treated as regular faculty employment.

### 2.6.C Special Leave

#### *2.6.C.1 Purpose*

The purpose of the special leave is to provide faculty members with the opportunity for professional development. The special leave is intended to support research activities and scholarly activity or to promote innovation and excellence in teaching. Special leaves supported by external grants, other institutions, or scholarly groups are highly encouraged.

#### *2.6.C.2 Eligibility*

A full-time faculty member is eligible for a special leave of absence after three or more years of continuous service.

#### *2.6.C.3 Length of Leave*

Granted for one or two semesters, the time spent on special leave does not count toward the probationary period for tenure-track faculty nor is it considered years of credit toward promotion, tenure, or sabbatical.

#### *2.6.C.4 Pay and Benefits*

A special leave is not a paid leave. However, during an unpaid special leave, the College continues its contribution to the faculty member's medical insurance coverage, providing the faculty member pays her or his share of such coverage on time, as if she or he is actively employed. Subject to applicable law and the terms of the College's benefit plans, faculty members on an unpaid leave shall continue to be covered under the College's group life and long-term disability plans on the same terms and conditions as if the faculty member remained actively employed. A faculty member on a special leave will also continue to be eligible for tuition benefits as if she or he had remained actively employed. If a special leave exceeds the length of one or two semesters, tuition benefits will not exceed two years.

#### *2.6.C.5 Procedures*

A faculty member must submit a proposal for a special leave any time up to October 15 of the year preceding the academic year in which the proposed leave is to be taken. A faculty member should submit a proposal for a special leave to the appropriate Dean with copies to her or his Department Chair or Program Director. After consultation with the Department Chair or Program Director, the Dean will transmit her or his recommendation to the Provost, who will make the decision and inform the Dean and faculty member before March 1.

#### *2.6.C.6 Contents of Proposal*

Each proposal should include a statement indicating how the proposed leave meets the purpose of special leaves, including a plan describing in detail the objectives to be achieved, the activities in which the faculty member is to be engaged, the anticipated location where the work will be carried out, expected deliverables, and a timetable including the beginning and ending dates of the leave. The proposal should also include a statement identifying anticipated sources of funds.

#### *2.6.C.7 Written Report*

Upon returning to the College after her or his special leave, the faculty member will submit a written report of her or his activities during the leave to the head of her or his Department or Program, the appropriate Dean, and the Provost.

#### *2.6.C.8 Return Provision*

The faculty member is expected to return with the rank and appointment status that she or he had at the commencement of the special leave.

### 2.6.D Contract Faculty Career (Professional) Development Assignments

Simmons College recognizes the importance of a career track for full-time contract faculty.

#### *2.6.D.1 Purpose*

The purpose of the professional development assignment program is to aid in the professional growth of contract faculty members and to promote contract faculty members' academic contributions to the College and to their profession. The awarding of professional development assignments recognizes full-time contract faculty who have demonstrated a record of scholarship and a consistently high level of performance in fulfilling their duties to the College. Professional development assignment proposals and activities should enhance the College through contributions to teaching, research, scholarship and creative work, and service.

#### *2.6.D.2 Eligibility*

Upon recommendation of the Dean and approval of the Provost, full-time, contract faculty shall be eligible for a professional development assignment for curriculum development, professional service, or research, scholarship and creative work, after nine consecutive contractual years of service. A contract faculty member may request such an assignment to be completed during what would be the tenth year of full-time service at the College or in the tenth year since her or his last professional development leave.

#### *2.6.D.3 Types of Professional Development Assignment*

A professional development assignment is normally a release from 50% of one academic year's usual teaching and service workload for up to one semester at 100% of base salary. For purposes of this policy, an academic year is defined as the start of the fall semester to the end of the spring semester, or any other nine- or ten-month equivalent. Alternatives to these types of professional development assignments must be approved by the appropriate Dean and the Provost. In addition, the manner in which workload adjustments may be implemented for professional development assignments may vary from School to School based on the individual School's guidelines, practices, and needs. Faculty on professional development assignment will be covered by the College's group plan policies (health, long-term disability, and life) (subject to applicable law and the terms of any benefit plans) on the same terms and conditions as if the faculty member had a usual workload and were not on professional development assignment.

Faculty members may not engage in full-time gainful employment during a professional development assignment. However, faculty members may continue to receive compensation for activities in which they regularly engage during their active full-time service, e.g. consulting, provided that the level of those activities is not substantially increased during the assignment period. When a faculty member receives compensation

from other organizations or institutions to support the professional development assignment, the College's contribution plus the sum of compensation from other organizations (plus travel and extraordinary living expenses) will not exceed the faculty member's normal College base salary for the period of the assignment.

#### *2.6.D.4 Procedures*

Ordinarily, a faculty member seeking a professional development assignment must submit a written proposal at any time up to October 1 of the year preceding the academic year for the proposed assignment. If October 1 falls on a Saturday or Sunday, the deadline for the proposal shall be on Monday. A faculty member should submit a proposal for a professional development assignment to the appropriate Dean with copies to her or his Department Chair or Program Director and should thereafter within five business days submit information regarding subsequent developments or other changes relevant to the material contained in the proposal to anyone who received the initial proposal. After consultation with the Department Chair or Program Director, the Dean will transmit her or his written recommendation to the Provost by November 1. The Provost, in turn, shall pass along her or his recommendations and those from the Dean and the Department Chair or Program Director, to the Trustees on the schedule set by the President in time for the winter meeting of the Simmons Board of Trustees. The President will make every reasonable effort to announce the decision of the Board of Trustees regarding the application to the applicant before March 1.

#### *2.6.D.5 Contents of Proposal*

Each proposal should explain how the professional development assignment activities support the faculty member's career goals and professional development. The proposal shall include a statement indicating how it meets the purpose of professional development assignments, a plan describing in detail the objectives to be achieved, the breadth of activities in which the faculty member is to be engaged, the anticipated location where the work will be carried out, a timetable including the beginning and ending dates of the assignment, the potential benefits of the assignment to students and the Department, Program, or School, and how the assignment contributes to the mission of the College. In cases where external funding is anticipated, the proposal should include a statement identifying anticipated sources of funds. The College is not responsible for expenses such as travel incurred by faculty.

#### *2.6.D.6 Written Report*

By March 15 (for those on assignment during the fall semester) and October 15 (for those on assignment during the spring semester or the full year), the faculty member must submit a written report of her or his activities during the assignment to the head of her or his Department or Program, with full copies to the appropriate Dean and the Provost. Faculty should retain a copy of this report and be prepared to summarize outcomes of their last professional development assignment when applying for a subsequent one, as prior outcomes will be considered in the review process.

#### *2.6.D.7 Obligations to the College*

In recognition of the compensation paid to a faculty member during a professional development assignment, a faculty member who accepts such assignments is expected to resume her or his usual duties at the College for at least one academic year immediately following the completion of her or his professional development assignment.

Faculty taking paid professional development assignments are expected to accomplish the objectives set forth in their proposal within the proposed timeframe. If a faculty member determines that unexpected developments or other factors may require changes in an approved proposal, the faculty member and her or his Dean, in consultation with the Provost, must reach agreement on suitable modifications. Should the Dean or Provost obtain evidence that a professional development assignment was not used appropriately, the Hearing Committee shall be convened in accordance with Appendix C to review the facts and to make a recommendation to the Provost about the faculty member's eligibility for further paid professional development assignments.

#### 2.6.E Course Reduction Vouchers for Research, Scholarship, and Creative Work for Tenure-Track Faculty

The goals of the course reduction vouchers for tenure-track faculty include providing career flexibility for research, scholarship, and creative work; supporting the professional growth and career advancement of tenure-track faculty members; and promoting faculty members' academic contributions to the College and their profession. When a faculty member is hired into a nine- or ten-month, full-time tenure-track position, she or he will become eligible for a total of six course release vouchers for use during her or his probationary period as desired according to the following guidelines. For the purpose of this policy, an academic year is defined as the beginning of the fall semester to the end of the spring semester, or any other nine- or ten-month equivalent.

1. In the first year of her or his tenure-track appointment, the faculty member will be granted two course reductions from the typical six (6) course teaching load. The first course reduction shall be taken in the fall semester and the second reduction shall be taken in the spring semester. The purposes of these initial course reductions are (a) to provide sufficient opportunity for the faculty member to adjust to her or his teaching and advising duties at Simmons generally and to her or his School or Department specifically; and (b) to provide additional opportunity for the faculty member to pursue her or his research, scholarship, and creative work agenda. No more than two course release vouchers may be used during the first year of a tenure-track appointment.
2. Every year thereafter, the tenure-track faculty member whose appointment is renewed for the next academic year, and who is in good standing as evidenced by the faculty member's annual review, shall be eligible to use up to three (3) or her or his four (4) additional course release vouchers which can be "banked" and used at the faculty member's discretion with the prior written approval of the Department Chair and Dean during the remainder of their tenure-track probationary period. These course releases must be used to further her or his research, scholarship, and creative work. Course vouchers may not be used for summer courses.



3. In the second year and any subsequent years of a probationary period, a tenure-track faculty member may use no more than three (3) of her or his course release vouchers in one academic year, and she or he should use them on a schedule that has been mutually agreed upon in advance by the faculty member and Dean. Each unit's Faculty and Dean will determine, in their School implementation guidelines, the lead time required for requested releases, that is, how many months' notice shall be given by the faculty member to the Dean or Department Chair regarding use of a course release voucher. Faculty members are expected to plan their use of vouchers ahead of time so that Deans and Department Chairs can arrange for course coverage.
4. Course release vouchers are only available for purposes of research, scholarship, and creative work, and may not be used in conjunction with FMLA.
5. After each voucher is used, the tenure-track faculty member will complete a report form (available from the Dean or Provost's office) and submit it to the Dean and Department Chair, with a copy to the Provost. The report should describe the accomplishments in research, scholarship, and creative work that resulted from the course release.
6. Vouchers are to be used only during the probationary period.
7. Vouchers not used during the probationary period will be forfeited.

#### 2.6.F Change from Full-time to Proportional Status for Tenure-track Faculty

In *exceptional* circumstances, not covered or governed by federal or state medical leave laws, a tenure-track faculty member may apply for a transfer to proportional status. A transfer to proportional status may be appropriate when the faculty member needs a reduced teaching load for a predetermined period of time not to exceed six semesters or three (3) years. Proportional status results in reduced salary and benefits. Proportional status may be requested by the faculty member to meet the stated criteria for tenure and/or promotion.

Requests for a change to proportional status must be made in writing to the Dean at least three months in advance. The Dean will consider the request and make a recommendation to the Provost in writing. When a faculty member changes from full-time to proportional status, the faculty member is not eligible for course vouchers (see Section 2.6.E) until the faculty member resumes full-time probationary status.

### **SECTION 3. PROCEDURES FOR RESIGNATION OF FACULTY, NON-RENEWAL OR NON-REAPPOINTMENT OF FACULTY, REVIEW OF PROMOTION AND TENURE RECOMMENDATIONS, ADMINISTRATIVE TERMINATIONS, AND DISMISSALS**

#### **3.1 RESIGNATION OF FACULTY MEMBERS**

A faculty member may resign from her or his appointment effective at the end of an academic year. For purposes of this policy, a resignation includes a decision to retire. A faculty member who resigns should give notice in writing.

## 3.2 NON-RENEWAL OR NON-REAPPOINTMENT OF FACULTY MEMBERS

### 3.2. A Non-Renewal or Non-Reappointment

Subject to the procedures in this *Manual*, after consultation with appropriate Faculty and the Provost, the Dean of a School may determine not to renew or extend a tenure-track appointment, or may determine not to offer a successive contract appointment. Any such determination by a Dean is a non-renewal or non-reappointment. A non-renewal or non-reappointment is not a dismissal. (Section 3.5.)

### 3.2.B Notice and Reasons for Non-Renewal or Non-Reappointment

#### *3.2.B.1 Notice by the Dean*

Before deciding not to renew or extend a tenure-track appointment or not to offer a full-time or proportional faculty member a successive contract appointment, the Dean shall consult with appropriate Faculty and the Provost. When the Dean in consultation with the Provost has determined not to renew or extend a tenure-track appointment or has determined not to offer a full-time or proportional faculty member a successive contract appointment, the Dean will so inform the faculty member in writing.

#### *3.2.B.2 Timely Notice of Non-Renewal or Non-Reappointment*

Written notice that a full-time or proportional tenure-track or contract appointment is not to be renewed will be given to the faculty member in advance of the expiration of the appointment, as follows:

- a. If the appointment expires at the end of the academic year (June 30), and if the faculty member is in the first year of employment, the faculty member shall receive written notice of non-renewal no later than March 1.
- b. If the appointment expires on a date other than June 30, and if the faculty member is in the first year of employment, the faculty member shall receive no less than three months written notice of non-renewal.
- c. If a faculty member's initial employment contract is for a period of two years or more, the faculty member shall receive no less than six months notice of non-renewal
- d. If the appointment expires at the end of the academic year (June 30), and if the faculty member is in the second or subsequent year of employment, the faculty member shall receive written notice of non-renewal no later than December 15.
- e. If the appointment expires on a date other than June 30, and if the faculty member is in the second or subsequent year of employment, the faculty member shall receive no less than six months written notice of non-renewal.

As with other time frames set forth in the *Faculty Policy Manual*, the Dean and Provost will make good faith efforts to comply with deadlines for notice. (See Section 4.) However, the failure to give notice in accordance with this provision shall not be construed as a new appointment or a renewal or extension of an appointment.

### *3.2.B.3 Severance in Lieu of Timely Notice*

If the Dean or Provost is unable for any reason to adhere to the applicable notice period set forth above, the faculty member shall receive severance pay for any period notice was absent. For example, if the faculty member was entitled to notice of non-renewal no later than December 15, but instead receives notice of non-renewal on February 15, the faculty member shall receive eight weeks of severance pay to be paid on June 30 or the last day of his/her appointment.

### *3.2.B.4 Reasons for Non-Renewal or Non-Reappointment*

After receipt of notice in writing of non-renewal or non-reappointment, the faculty member may request the Dean to inform her or him concerning the reason(s) for the determination. Upon such request, the Dean will inform the faculty member concerning the reason(s) for the determination.

## 3.3 REVIEW OF PROMOTION AND TENURE RECOMMENDATIONS

A candidate for promotion and/or tenure may request an inquiry concerning the procedures followed by the applicable committee on promotion and tenure, the appropriate Dean, the Provost, or the President, or may seek reconsideration of the decision based upon the grounds that the decision was based on something other than the prescribed criteria or the existence of new information related to the prescribed criteria in Section 2.4. If an inquiry is requested, the Review Committee shall undertake a review limited to reviewing the process of assessment of the candidate's qualifications and performance by the committee on promotion and tenure, the Dean, the Provost, and/or the President, and/or will review the significance of the new information, in accordance with the procedures described in Appendix A.

The only functions of the Review Committee are to determine whether adequate consideration was given to the procedural aspects for promotion and tenure and/or to determine whether the decision was based on something other than the prescribed criteria: teaching, achievement in research, scholarship and creative work, service, and need; and/or whether the new information is sufficiently significant in the context of the promotion and/or tenure case to merit reconsideration of the case. The Review Committee makes its determination by reviewing the written reports prepared by the committee on promotion and tenure; by interviewing the members of the committee on promotion and tenure, the appropriate Dean, the Provost, and/or the President; and, in the case of new information, by considering that information in the context of the case. The Review Committee does not substitute its own judgment for that of the committee on promotion and tenure, the Dean, the Provost, the President, or the Board of Trustees regarding whether any candidate should be promoted or granted tenure.

## 3.4 ADMINISTRATIVE TERMINATION OF FACULTY MEMBERS

### 3.4.A Administrative Termination

An administrative termination means the termination of a tenured faculty member or termination of a non-tenured faculty member prior to the expiration of a tenure-track appointment or a contract appointment because of either (1) closure of a School, Department, or Program; or (2) financial exigency. A non-renewal or non-reappointment (Section 3.2) or a dismissal (Section 3.5) does not constitute an administrative termination.

The decision to close a School, Department of instruction, or Program may be based upon educational or financial considerations or both. Restructuring, relocation, or realignment of a School, Department of instruction, or Program within Simmons is not a closure.

Because the Faculties' responsibilities include participating in the process of developing and organizing the College's academic programs (Section 1.7.E), the President, Provost, and appropriate Dean shall therefore consult extensively with the Faculty Senate concerning any proposal to close a School, Department, or Program. The President and her or his designee shall give substantial weight to the views of the Faculty Senate regarding educational considerations when a School, Department, or Program is closed.

#### 3.4.B Definitions

For purposes of an administrative termination, a financial exigency is a *bona fide* financial extremity that threatens the financial viability of the College as a whole, and that cannot adequately be alleviated by means other than a reduction in faculty employment without causing a deleterious effect on the mission of the College or the School experiencing the financial exigency.

#### 3.4.C Determination of Financial Exigency

If a Dean, the Provost, or the President considers initiating an administrative termination based on financial exigency, the Board of Trustees must first declare that it has determined that a financial exigency exists. Before the Board makes such a determination and declaration, the Dean, Provost, or President shall first consult with and solicit views from the Faculty Senate and the Faculty Fiscal Affairs Committee. After such consultation, the Faculty Senate and the Faculty Fiscal Affairs Committee shall have the opportunity to report their views to the Board before the Board determines whether to declare the existence of a financial exigency. For purposes of this provision, the Executive Committee may exercise all powers of the Board.

#### 3.4.D Preliminary Actions to Attempt to Avoid Administrative Termination

Administrative termination should occur only in unusual circumstances. Although the need to maintain a sound financial foundation to the College may on rare occasions lead the College to consider an administrative termination, the College will not initiate an administrative termination until it has first undertaken extensive efforts to attempt to avoid such a termination. In the event that a proposed administrative termination would be based on financial exigency, the following steps would be undertaken only after a declaration of financial exigency. (See Section 3.4.C.)

If a Dean, the Provost, or the President considers initiating an administrative termination, the Dean of the affected School and the Provost must first consult extensively with the Faculty Senate concerning the possible termination, the reasons for considering administrative termination, and the adequacy of alternatives. After consultation, the Faculty Senate may make a report and/or a recommendation to the Dean, the Provost, and the President. The Dean, the Provost, and the President shall give substantial weight to the views of the Faculty Senate. If after consultation with the Faculty Senate the Dean believes that an administrative termination should proceed, the Dean shall make a report and recommendation to the Provost and the President, and present to the Provost and the

President any report and/or recommendation of the Faculty Senate. If the Faculty Senate disagrees with the recommendation of the Dean, the Provost shall meet with the committee and shall give the Faculty Senate's views substantial weight in determining whether to initiate an administrative termination.

Prior to the termination of a faculty member with a tenured appointment because of closure of a School, Department, or Program or financial exigency, Simmons will make every reasonable effort to offer to her or him, if qualified, an available suitable position. The Dean, the Provost, and the President shall also give serious consideration to proposals to assist a faculty member in becoming qualified to serve the College in an area in which the College has a need. If a tenured appointment is terminated before the end of the period of appointment because of financial exigency or because of the closure of a program of instruction, the College will not hire a full-time equivalent replacement for the released faculty member-within a period of two years, unless the released faculty member has been offered an opportunity to accept reappointment and a reasonable time within which to act on the offer.

Ordinarily, the positions of non-tenured faculty will be eliminated before the positions of tenured faculty.

#### 3.4.E Notice and Review of Administrative Termination Decision

When the President, after the preliminary actions described above, has determined to terminate a faculty member with a tenured appointment or to terminate a tenure-track or contract faculty member, prior to the expiration date of her or his appointment because of closure of a School, Department, or Program or financial exigency, the President shall so inform the faculty member in writing. The President shall give as much advance notice to the affected faculty member as the President reasonably determines to be practicable under the circumstances. If the faculty member seeks more information and/or a review of that decision, the faculty member shall utilize the procedures set forth in Appendix B.

#### 3.4.F Severance Benefits for Faculty Members Subject to Administrative Termination

Except in cases of severe financial exigency concerning the College as a whole, if the College does not offer a terminated tenured faculty member a new appointment, the College shall propose a severance benefit, in exchange for a release of claims, after giving substantial weight in its consideration to the length and nature of the faculty member's service and the scope and extent of the financial constraints, as part of a complete resolution of matters related to the faculty member's service to the College. Such consideration shall also take into account AAUP recommendations that severance benefits in such cases shall be a minimum of one year's base salary.

### 3.5 DISMISSAL OF FACULTY MEMBERS

#### 3.5.A Dismissal

The term "dismissal" refers to a dismissal for cause of a faculty member with a tenured appointment or prior to the expiration of a tenure-track appointment or a contract appointment. The termination of a faculty member because of closure of a School,

Department or Program or financial exigency, or non-renewal of a contract or non-reappointment does not constitute a dismissal.

### 3.5.B Definitions

For purposes of a dismissal, “cause” means the substantial and egregious failure to discharge the responsibilities and duties of a faculty member (see Section 2.2) or egregious misconduct, as described generally below. Termination for cause or any other termination of a faculty member must not arise in an attempt to restrict an exercise of academic freedom or any other legitimate conduct of a faculty member.

When a faculty member is suspected of exhibiting behavior warranting dismissal for cause, the Dean shall be responsible for investigating the circumstances and documenting the findings in a written report to the Provost and to the faculty member. Depending upon the circumstances for dismissal, and at the discretion of the Dean, Provost, or President, appropriate faculty may be consulted. The President, in consultation with the Provost and Dean, shall determine whether dismissal or a lesser sanction is in order. The President should give serious consideration to possible lesser sanctions before initiating the dismissal of a faculty member. Normally, the appropriate sanction for a faculty member’s failure to discharge duties and responsibilities would not be dismissal.

We cannot anticipate all possible conduct or conditions that may lead to dismissal for cause in precise terms. However, we anticipate that they will occur only in rare circumstances. The following circumstances may constitute cause:

1. Physical or mental incapacity that is causing a substantial interruption of service to the College when such interruption has not been approved by the Dean, the President or Board of Trustees; or failure to discharge duties in accordance with Section 2.2 of this *Manual* after at least one prior written warning; or
2. Serious violation of a College policy against unlawful discrimination, harassment or retaliation; or
3. Criminal conduct that relates directly and substantially to the fitness of the faculty member in a professional capacity; or
4. Intentional or reckless gross misconduct that seriously and detrimentally affects the College. Such conduct must, at a minimum, either qualify as clearly unacceptable in the context of higher education or seriously deviate from standards or practices commonly accepted in the faculty member’s discipline; or
5. Substantial academic dishonesty in research, scholarship, or creative work; or
6. Abandonment or habitual neglect of assigned faculty responsibilities, including but not limited to failure to hold class; failure to submit grades in a timely manner; and failure to maintain levels of skill, information, professional license, and qualifications sufficient to provide instruction meeting the academic standards of the individual’s discipline or the accreditation standards of the School or degree program.

A physical or mental incapacity, as described in 3.5.B.1, which by its nature may make the faculty member unfit to perform in the classroom, may not prohibit the faculty member from performing in some other position within the institution. The College shall make a reasonable effort to find an available and appropriate position for which the faculty member is qualified before terminating a faculty member for cause.

Termination for cause is subject to review as described in Appendix C, including the right to a hearing before the Hearing Committee and the right to review by the Executive Committee.

### 3.5.C Notice of Dismissal

When the President, after consultation with the Provost and the appropriate Dean, has determined to terminate a faculty member for cause, the President shall so inform the faculty member in writing and shall set forth the reasons in writing.

If the faculty member believes no cause for dismissal exists, the faculty member may make a request in writing to the President that the President present the matter to the Hearing Committee (Appendix C.2.C, Section 1.8.C.2). The burden of proof that cause for dismissal rests with the College.

### 3.6 MATTERS IN OTHER FORUMS

A faculty member may believe that actions by the College implicate legal rights that could provide a basis for pursuing an action in an administrative or judicial forum. The faculty member and the College may also believe it is in their mutual best interest to avoid simultaneous proceedings under this *Manual* and in another forum. Therefore, the faculty member and the College may (but are not obligated to) consider entering into an agreement to toll applicable limitations periods pending the completion of all or a portion of the procedures for resolution set forth in this *Manual*.

## **SECTION 4. PROBLEM RESOLUTION**

From time to time, a problem may arise regarding the implementation or interpretation of the policies contained in this *Manual* as they pertain to a faculty member. For purposes of this *Manual*, a “problem” includes any dispute or other issue (that pertains to a faculty member) regarding the implementation or interpretation of policies contained in this *Manual*. The College commits first and foremost to seeking informal resolution of differences. Parties should confer informally to attempt to resolve any differences. For circumstances when an informal resolution of the problem does not occur, this *Manual* sets forth more formal procedures for problem resolution.

Any problem involving the non-renewal of a faculty member will follow the procedures contained in Section 3.2; any problem involving a promotion or tenure recommendation will follow the procedures contained in Appendix A; any problem involving an administrative termination of a faculty member will follow the procedures contained in Appendix B; any problem involving the dismissal of a faculty member will follow the procedures contained in Section 3.5 and Appendix C; and resolution of any problem involving alleged sexual or other

discriminatory harassment will proceed in accordance with the College's standard policies and procedures. The mechanisms for resolution of all other problems regarding implementation or interpretation of the policies contained in this *Manual* are set forth in Appendix C.

These problem resolution procedures constitute the sole and exclusive means of addressing claims that violations of any substantive provisions of this *Faculty Policy Manual* have occurred. They do not preclude a faculty member from pursuing common law claims (other than substantive breach of contract claims) or claims of violations of statutory rights. They also do not preclude an individual from bringing a legal action of breach of contract based on a claim that the College has not complied with procedural requirements set forth in this *Faculty Policy Manual*, such as a claim that the College failed to participate in a hearing that the Hearing Committee determined to hold under the Problem Resolution Procedures set forth in Appendix C.

For example, a faculty member could not pursue a legal action based on a claim that a decision to deny tenure violated a purported contract under this *Manual* to grant tenure when a candidate satisfies the Criteria for Promotion and Tenure. However, this Section 4 would not prevent a faculty member from claiming that a decision to deny tenure constituted a form of unlawful discrimination under federal or state laws concerning employment discrimination.

The Appendices and other portions of this *Manual* set forth time frames and deadlines for actions. Except as specifically noted, time frames refer to calendar days. The College, its representatives, the affected faculty members, and other parties will attempt to comply with such deadlines and time frames as are applicable to them. Provided that a party makes good faith efforts to comply with those deadlines and time frames and that no unreasonable delays occur, the failure to satisfy the terms of applicable deadlines and time frames will not constitute policy violations. In addition, the involved parties may in any circumstance agree to alternative time frames and deadlines.

## **SECTION 5. NONDISCRIMINATION POLICIES**

### **5.1 POLICY ON SEXUAL AND OTHER FORMS OF DISCRIMINATORY HARASSMENT**

The College is committed to maintaining an academic and working environment free from sexual harassment, as well as to maintaining an academic and working environment free from other forms of unlawful discriminatory harassment, whether based upon race, color, religion, gender, ancestry, national origin, sexual orientation, age, or physical or mental disability. The College maintains this commitment because sexual and other discriminatory harassment is unlawful and because it can undermine the College's academic and working environment.

As with other College policies, the College's policy of maintaining an academic and working environment free from sexual harassment and other unlawful discriminatory harassment should be interpreted and applied in a manner consistent with the College's commitment to intellectual and academic freedom as state and federal law may allow.

As required by law, the College has developed policies and procedures to respond to complaints of harassment. At the time this *Manual* went to press, the College's policy and procedures were to be found at <http://www.simmons.edu/offices/counsel/discrimination-harassment.php>. A



complete copy of the College's policy and procedures may also be obtained from the Office of Human Resources or the Office of the College Counsel.

## 5.2 POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

The College is committed to providing equal employment opportunity for all faculty members and applicants for Faculty positions without regard to race, color, religion, gender, national origin, ancestry, sexual orientation, age, physical or mental disability, or veteran status. The College's policy regarding equal employment opportunity applies to all aspects of employment, including recruitment, hiring, promotion, tenure, loss of employment, working conditions, benefits, salary, and selection for professional development.

The College will not tolerate any form of prohibited discrimination or retaliation. All faculty members are expected to cooperate fully in implementing this policy. Any faculty member who believes that this policy has been violated should report the matter immediately to the President, Dean, Provost, Director of Human Resources, or College Counsel.

## **SECTION 6. AMENDMENTS TO FACULTY POLICY MANUAL**

The policies compiled in this *Manual* may be modified or amended by agreement of the Faculties and the Board of Trustees of the College. When the Board proposes such changes, it will notify the Faculty Senate by delivering a copy of its request to the President. Faculty may propose such changes through the Faculty Senate. Faculty shall request all proposed changes through the President, who will communicate with the Board. This *Manual* may not be modified or amended without the vote of the majority of those voting from among the Voting Faculty of each School and the approval of the Board.

This *Manual* shall remain in effect for seven years to and including June 30, 2017. A new *Manual* may be adopted only by the vote of the majority of those voting from among the Voting Faculty of each School and the approval of the Board. The Faculties and the Administration shall meet and discuss whether to continue this *Manual* in effect thereafter and possible modifications to the *Manual*. During the period of such discussions, the *Manual* may be renewed for one or more periods of up to six months each by the vote of the majority of those voting in both the Faculty Senate and the Executive Committee of the Board of Trustees.

## **APPENDIX A: PROCEDURES FOR REVIEW OF PROMOTION AND TENURE RECOMMENDATIONS**

Appendix A sets forth the procedures to implement Section 3.3 of the *Manual*.

### A.1 COMPOSITION OF REVIEW COMMITTEE

The Review Committee consists of five voting members. The voting members shall consist of one person chosen by the Voting Faculty of each School. This person must be from the tenured Faculty of that School and have previously served on their respective committee on promotion and tenure.

Each School shall elect its representative to the Review Committee for the coming year by July 1 and within three (3) business days forward the name of its representative to the Faculty Senate and Provost. Each of these voting members shall serve for a term of five years on a staggered basis (subject to reduced terms when necessary to establish staggered terms). The Review Committee shall select its Chair from among its members at any time when the composition of the Review Committee changes.

## A.2 PETITION

Any candidate for promotion and/or tenure who has received written notice of the decision of the Board of Trustees to not award promotion and/or tenure may deliver a written petition to the Provost requesting review of the decision by the Review Committee. The faculty member may request that the Review Committee review either or both:

- I. the process by which her or his qualifications and performance were assessed by the appropriate committee on promotion and tenure, the appropriate Dean, the Provost, and/or the President, and/or
- II. whether new information is sufficiently significant in the context of the promotion or tenure case to merit reconsideration of the case in light of the new information.

### A.2.A Candidate Request for Clarification

The faculty member may decide to ask for a meeting to clarify the reasons for the non-award of tenure and/or promotion. The meeting request must be made in writing by the faculty member to the Provost within five (5) business days after she or he receives notice of the Board's decision. The faculty member may request to meet with any or all of the following individuals, individually or jointly: the President, the Provost, the appropriate Dean, and/or the Chair of the committee responsible for tenure and promotion decisions at the faculty member's School. (See Section 2.4.E.5 above.) The date that the Provost receives the petition is the "petition date."

If the faculty member chooses **not** to request a meeting, she or he shall deliver her or his written petition to the Provost within fifteen (15) business days from the date she or he receives written notice of the decision—of the Board. If, however, the faculty member requests a meeting, then the written petition to the Provost must be delivered within ten (10) business days from the date the meeting is held.

### A.2.B Contents of the Petition

The written petition shall specify which of the Criteria for Promotion and Tenure are requested to be reviewed and state, in detail, which matters are requested to be reviewed by the Review Committee. If the petition is based in whole or in part on new information, the new information must be appended to the petition.

### A.2.C Timeline for the Review

No later than three (3) business days from the receipt of the petition (petition date) the Provost shall deliver to the Review Committee and the appropriate Dean a copy of the written petition and a copy of the written report and accompanying documents prepared by the committee on promotion and tenure concerning the candidate. The Provost shall

convene the first meeting of the Review Committee. From the date of the first meeting, the Review Committee has no more than fifteen (15) business days to complete and deliver the final report to the Provost.

### A.3 REVIEW COMMITTEE REPORT

The Review Committee shall review relevant written materials and consult, as needed, with the committee on promotion and tenure, the Dean, the Provost, and the President concerning the reasons for their respective recommendations. Within fifteen (15) business days from the first meeting (excluding the period of spring break), the Review Committee shall report to the Provost in writing. If the petition requested a review of the process, the Review Committee shall report either: (i) that it has determined that the recommendation of the committee on promotion and tenure, the Dean, the Provost, and/or the President was the result of adequate consideration of the criteria for promotion and tenure; or (ii) that it believes that the committee on promotion and tenure, the Dean, the Provost, and/or the President should be requested to consider further her, his, and/or its recommendation based on one or more of the Criteria for Promotion and Tenure. If the petition requested review based on new information, the Review Committee will report either: (i) that the new information is sufficiently significant in the context of the promotion or tenure case to merit reconsideration of the case in light of the new information; or (ii) that it is not sufficiently significant in the context of the case to merit such reconsideration.

If the Review Committee believes that further consideration should be requested, the Review Committee shall state in detail in its written report to the Provost why it believes further consideration should be requested and at what level (committee on promotion and tenure, Dean, Provost, or President) further consideration should begin. The Provost will shall provide copies of Review Committee's report to the committee on promotion and tenure, the Dean, the Provost, and the President. The Provost shall inform the candidate of the Review Committee's findings in writing no later than three (3) business days after the Provost receives the report.

### A.4 FURTHER CONSIDERATION

The information that follows describes the process after the Review Committee recommends the review process to begin at one of the following four (4) levels. When the review begins at one of the following levels, the recommendations, at each step, are submitted to the Provost who forwards the recommendation on to the next level of review.

If the reconsideration begins at the level of the Provost, then the President receives the Provost's recommendation and notifies the candidate. If the review begins at the level of the PTC or the Dean, the Provost receives the recommendations and notifies the candidate of the findings of the review.

If reconsideration is at the level of the President, she or he reconsiders and notifies the candidate and other parties of her or his recommendation.

#### A.4.A Reconsideration by the Committee on Promotion and Tenure

If the Review Committee reports to the Provost that it believes further consideration of a recommendation by the committee on promotion and tenure should be requested, the

Provost shall within five (5) business days request further consideration of a candidate by the committee on promotion and tenure concerning the matters stated in the written report of the Review Committee.

The committee on promotion and tenure shall meet and report to the Dean, the Provost, and the President in writing no later than 10 business days after referral and inform them either: (i) that it affirms its original recommendation; or (ii) that it has determined that its original recommendation should be modified. The report shall also explain the rationale for the committee's determination.

If the committee on promotion and tenure determines that its original recommendation should be modified, it shall state in detail in its written report how it believes its original recommendation should be modified. The Dean shall thereafter make a written recommendation no later than five (5) business days to the Provost and the President concerning the written report of the committee on promotion and tenure, and the President shall notify the candidate in writing of her or his decision no later than five (5) additional business days.

#### A.4.B Reconsideration by the Dean

If the Review Committee reports to the Provost that it believes further consideration of a recommendation by the Dean should be requested, the Provost shall within five (5) business days request such further consideration by the Dean based on the findings stated in the Review Committee's written report. The Dean shall undertake such reconsideration and shall, after consultation with the committee on promotion and tenure, make a written report to the Provost no later than five (5) business days after receipt of the request for reconsideration.

#### A.4.C Reconsideration by the Provost

If the Review Committee reports that further consideration of a recommendation by the Provost should be requested, the Review Committee should inform the President who will notify the Provost within five (5) business days, of the request for consideration by the Provost based on the findings stated in the written report. The Provost shall undertake such reconsideration and shall, after consultation with the committee on promotion and tenure and the Dean, submit a written report within five (5) business days to the President. The President shall notify the candidate in writing of her or his decision within five (5) additional business days.

#### A.4.D Reconsideration by the President

If the Review Committee reports to the President that it believes further consideration of a recommendation by the President should occur, the President shall undertake such reconsideration. The President shall consult with the Dean, the Provost, and the committee on promotion and tenure as part of that reconsideration; and the President shall notify the candidate of her or his decision in writing within five (5) business days.

## A.5 REVIEW BY THE BOARD OF TRUSTEES

If the Review Committee recommends reconsideration and the committee on promotion and tenure, the Dean, the Provost, and/or the President modifies her, his, and/or its original recommendation based upon such reconsideration, the President shall submit the Review Committee report and all subsequent reports and recommendations to the Executive Committee of the Board of Trustees within ten (10) business days of such modification. The President shall request the Executive Committee to consider the Board's previous determination in light of the further reports and recommendations, including full consideration of any reports and recommendations supporting the award of promotion or tenure, and make a final determination.

As soon as practicable, the President shall inform in writing both the relevant committee on promotion and tenure, the appropriate Dean, the Provost, and the faculty member of the Executive Committee's determination.

## **APPENDIX B: PROCEDURES FOR REVIEW OF ADMINISTRATIVE TERMINATION DECISIONS**

Appendix B sets forth the procedures to implement Section 3.4 of the Manual. No administrative termination may occur unless the procedures described in Section 3.4 have first been fully followed.

### B.1 STATEMENT OF REASONS FOR ADMINISTRATIVE TERMINATION DECISION

After receipt of notice in writing of administrative termination, the faculty member may request the President, the Provost, or the appropriate Dean to inform her or him orally concerning the reason(s) for the determination. Upon such request, the President, the Provost, or the Dean shall inform the faculty member orally concerning the reason(s) for the determination. The faculty member may make a request in writing to the President, the Provost, or the Dean to confirm such reasons in writing. If so requested, the President, the Provost, or the Dean shall confirm such reasons in writing.

### B.2 PROCEDURES

If the faculty member believes that the determination of the President was not because of closure of a School, Department, or Program or financial exigency or that the procedures of Section 3.4 were not followed, the faculty member may make a request in writing to the President that the President present the matter to the Hearing Committee (Appendix C.2.C) for its consideration. When such a written request has been filed, the Hearing Committee shall inquire informally into the matter.

The Hearing Committee explores issues arising in administrative terminations through an informal inquiry process rather than a formal hearing because an informal inquiry is more appropriate for such cases. Specifically, administrative termination cases are more likely than other disputes to place two or more faculty members in conflicting positions. Such cases are also more likely to lead to examination of a range of alternatives, which can typically be explored more effectively through a more flexible inquiry format. However, establishing an informal inquiry framework is not intended to preclude the Hearing Committee from

undertaking a careful and complete review, including interviewing fully persons with relevant knowledge. The Hearing Committee also has the authority to conduct a formal inquiry in administrative termination cases that are presented to it.

After such inquiry, the Hearing Committee shall report to the President in writing either: (i) that it believes that the determination was because of closure of a School, Department, or Program or financial exigency and that the procedures of Section 3.4 were followed; or (ii) that it recommends that the President should consider the determination further. If the Hearing Committee recommends that the President should consider the determination further, the Hearing Committee will state in detail in its written report to the President why, in its opinion, the determination should be considered further and supply a copy of the record that it compiles to the President. The President shall supply a copy of the Hearing Committee's report to the faculty member, the Dean, and the Provost.

### **B.3 FURTHER CONSIDERATION BY THE PRESIDENT**

If recommended to do so by the Hearing Committee, the President shall consider the determination further. The President shall give substantial weight to the report and recommendation of the Hearing Committee. After such further consideration, the President shall inform the faculty member, the Dean, the Provost, and the Hearing Committee in writing of the results of the further consideration. If the President disagrees with the recommendation of the Hearing Committee, the President shall explain her or his reasons in writing. If the President agrees with the Hearing Committee, the matter is closed and the President will inform the faculty member, the Dean, and the Provost of her or his decision.

### **B.4 FURTHER CONSIDERATION BY THE EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES**

If the President disagrees with the recommendation of the Hearing Committee, the faculty member may ask the Executive Committee to review the President's determination within five (5) business days of making a request for such a review. In the event of such a request, the President shall deliver to the Executive Committee copies of the Hearing Committee's record and report and the President's determination. Before making any decision, the Executive Committee shall meet with the President and a representative of the Hearing Committee. In its deliberations, the Executive Committee shall consider the entire Hearing Committee record.

The Executive Committee shall make the final determination. In doing so, it shall give substantial weight to the report and recommendation of the Hearing Committee.

As soon as practicable after receiving the Executive Committee's determination, the President shall notify the faculty member, the Hearing Committee, the Provost, and the Dean of the Executive Committee's determination.

## **APPENDIX C: PROBLEM RESOLUTION PROCEDURES**

Appendix C sets forth the procedures to implement Section 4 of the *Manual*. As described in Section 4, these Problem Resolution Procedures are the mechanisms for resolving problems concerning implementation or interpretation of policies contained in the *Manual* or any other Simmons policies or implementation guidelines that are not designated for resolution under

another mechanism. In addition, the Hearing Committee under this Appendix C is available for hearings concerning dismissals.

## C.1 DEFINITIONS

### C.1.A Person Involved

These Problem Resolution Procedures refer to the resolution of differences between one or more faculty member(s) and any other “person involved.” For purposes of these Problem Resolution Procedures, the “person involved” could be any individual who administers a policy or policies contained in this *Manual* in a manner that the faculty member believes detrimentally affects her or him. Thus, the “person involved” could be one or more Deans, the Provost, the President, or other person. In any circumstance involving a dismissal of a faculty member, the “person involved” is the President.

### C.1.B Parties

The “parties” to these Problem Resolution Procedures are the faculty member(s), the person involved, the appropriate Dean, the Provost, and the President.

### C.1.C President

References to the “President” refer to the President or any person (such as the Provost) whom the President designates in a particular case to perform some or all of the President’s functions under the Problem Resolution Procedures. When the “person involved” is the Provost, the President must perform those functions.

## C.2 INFORMAL PROCEEDINGS

### C.2.A Informal Action

When a problem arises regarding the implementation or interpretation of the College’s policies contained in this *Manual* as they pertain to faculty member(s) unless the matter is of a serious nature and personal contact with the person involved would be objectionable to the faculty member, the faculty member(s) should discuss the problem with the person involved in personal conference and attempt to resolve the matter by mutual consent. Any such personal conference between the faculty member(s) and the person involved is confidential.

If the personal conference does not resolve the matter, the faculty member(s) may seek resolution, to the extent practicable, by the Department Chair or Program Director and, if not so resolved, by the appropriate Dean, and then if not so resolved, by the Provost. If the matter remains unresolved, the faculty member(s) may request in writing (“advisory request”) that the Provost attempt to resolve the matter. The faculty member(s) shall deliver the advisory request to the Provost within five (5) business days after it becomes apparent that all other means of resolution have been unsuccessful.

### C.2.B Informal Inquiry by the Provost

After the Provost receives an advisory request, the Provost shall informally inquire into the matter and invite the Dean and such other persons as she or he deems appropriate to

participate in the inquiry. The Provost shall issue her or his written recommendation for the resolution of the matter to the faculty member and to the person involved within fourteen (14) days of the date of the filing of the advisory request. If the recommendation of the Provost is accepted by both the faculty member and the person involved, the matter may be resolved by mutual consent. Any such inquiry and resolution shall be confidential.

If the matter is not resolved as a result of the Provost's informal inquiry and recommendation for resolution, any party may commence a Hearing Committee Inquiry by sending written notice of the commencement of a Hearing Committee Inquiry to the Chairperson of the Hearing Committee (the "Chair") and the other parties within fourteen (14) days of the Provost's issuance of a recommendation for resolution of the matter. The party initiating a Hearing Committee Inquiry should also send a copy of the Provost's recommendation for resolution to the Chair.

### C.2.C Hearing Committee Inquiry

#### *C.2.C.1 Purpose of the Hearing Committee (See 1.8.C.2)*

#### *C.2.C.2 Composition of the Hearing Committee*

The Hearing Committee consists of five persons, one elected by the Voting Faculty of each School from among the tenured Faculty of that School. Each School shall elect its representative to the Hearing Committee for the coming year by July 1 and shall within five business days forward the name of its representative to the Faculty Senate, the Provost, and the President. The Hearing Committee shall select its Chair from among its members at any time when the composition of the Hearing Committee changes and at any other time, at their discretion. If one of the Hearing Committee members is unwilling or unable to serve (whether due to a conflict of interest, unavailability, or otherwise), a faculty committee from that faculty member's School shall select a replacement according to procedures specified in that School's implementation guidelines.

#### *C.2.C.3 Statement of Cause*

Within five (5) business days after the initiation of a Hearing Committee Inquiry, the Provost shall submit a "statement of cause" to the Chair, with copies to the other parties. A "statement of cause" is a brief and neutral statement of the nature of the problem to be resolved. If any party disagrees with the Provost's statement of cause, she or he may submit an alternative statement of cause within seven (7) days of the Provost's submission.

#### *C.2.C.4 Determination Regarding Holding a Hearing*

After the time has passed for submitting all statements of cause, the Hearing Committee shall within five (5) business days determine, based on the significance and gravity of the matter, whether a hearing should be held. In all cases involving dismissal of a faculty member (Section 3.5), the faculty member is entitled to a hearing under these Problem Resolution Procedures.



The Hearing Committee shall notify the parties in writing of its determination within fourteen (14) days of receiving the statement(s) of cause. If a hearing will be held, the Hearing Committee will inform all parties of the hearing date, which will be at least fourteen (14) days but not more than thirty (30) days from the date of notice.

### C.3 FORMAL PROCEEDINGS

#### C.3.A Establishment of Procedures

The Hearing Committee shall establish procedures for hearings consistent with this Appendix C.3, which it may change from time to time and adapt for different types of proceedings. The Chair shall provide the Hearing Committee's written procedures to all parties.

#### C.3.B Prehearing Conference

At least one week in advance of the hearing the parties shall meet informally to discuss whether there are facts in dispute and such other matters as the Chair deems necessary or appropriate to prepare for the efficient conduct of the hearing. If the parties agree that no facts are in dispute, each will identify and within five (5) business days exchange any documents that she or he intends to present to the Committee at the hearing. If any of the parties believes that there are facts in dispute, that party shall, at least seventy-two (72) hours before the hearing, provide a written statement to the Chair and all other parties identifying the witnesses, if any, that such party intends to request to appear at the hearing and attaching copies of any documents that such party intends to present at the hearing. The Committee reserves the right to call its own witnesses and introduce its own information, and shall notify the parties of such witnesses and/or additional information in a timely manner.

#### C.3.C Privacy of Hearing

The hearing shall be private: open only to the parties and any other persons whom the Chair deems necessary or appropriate to the fair and efficient conduct of the hearing. The Chair shall notify all parties in advance of any such persons.

#### C.3.D Record of Hearing

In any case involving a dismissal, the Hearing Committee shall ensure that a stenographic or similar record is made of the hearing. In any other proceeding, the Hearing Committee may determine that a stenographic or similar record should be made. The College shall bear the costs of any stenographic or similar record.

#### C.3.E Representation of Parties

Because the Faculty and the Administration recognize that legal counsel can disrupt efforts to address differences in a collegial and constructive manner, legal counsel will not be permitted to attend or participate in the hearing on behalf of the person involved, the faculty member, or any other party, including the President. Each party may select a member of the College community to participate in the hearing as an advisor and/or to represent the party. A member of the community is eligible to serve as advisor even if she or

he has legal training, so long as she or he is not a practicing lawyer. This does not limit the rights of any party to seek the advice of legal counsel outside the hearing.

#### C.3.F Conduct of the Hearing

The Hearing Committee shall determine the order of presentation of the proceedings and shall have the discretion to limit the proceedings based on the interests of fairness, completeness, efficiency, and relevance. The parties, directly or through their representatives, may make opening presentations to the Hearing Committee, examine and cross-examine witnesses, introduce information at the hearing, and make an oral statement prior to the commencement of deliberations by the Hearing Committee.

Aside from limitations on presentation of information at the hearing that may be established by the Hearing Committee in its discretion, the Hearing Committee shall not consider any review of a tenured faculty member that was prepared in accordance with the policy on Review of Tenured Faculty (Section 2.5.B) in any hearing concerning dismissal of a faculty member, except at the faculty member's request.

The Hearing Committee members shall participate in the questioning of witnesses and may, in their discretion, conduct the initial questioning of witnesses. Each party is responsible for arranging the attendance of witnesses whom she or he may seek to call. If any witness cannot or will not appear, the Hearing Committee may receive her or his written statement, which will be accorded such weight as the Hearing Committee may determine to be appropriate, taking into account the lack of an opportunity for questioning.

#### C.3.G Deliberations and Recommendations

The Hearing Committee shall deliberate in conference and shall consider only the information introduced at the hearing. The Hearing Committee shall make explicit findings with respect to the statement(s) of cause based on the record considered as a whole. In any case involving a dismissal, the burden is on the Provost to prove the existence of cause by a preponderance of the evidence. The Hearing Committee shall submit its findings, recommendations, and reasons for said findings and recommendations in writing to the parties within fourteen days of the conclusion of the hearing.

In the event that the matter concerns the dismissal of a faculty member, the Hearing Committee may recommend that the faculty member be dismissed immediately or at the end of the then current academic year. The Hearing Committee may recommend the imposition of a less severe sanction including, but not limited to: loss of tenure; suspension, with or without pay, for a stated period of time; or reprimand. The Hearing Committee may recommend that no sanction be imposed on the faculty member. The Hearing Committee may also make such other recommendations as it deems just and proper.

#### C.3.H New Information

Upon the petition of a party, the Hearing Committee, in its sole discretion, may re-open the hearing if new information that by due diligence could not have been discovered in time to be introduced at the hearing is newly discovered. The petition shall be made within five (5) business days after discovery of the new information and, in any event, within four months of the conclusion of the hearing.

### C.3.I Suspension

In the event that the Provost, after consultation with the Dean, has recommended dismissal of the faculty member, the President may suspend the faculty member from her or his teaching and/or other duties, with or without pay, during the formal proceedings. Before taking any such action, the President shall consult with the Hearing Committee members and notify them of such planned suspension. The President shall solicit the views of the Hearing Committee members concerning such action and shall not undertake such action unless she or he has determined that such action is in the best interests of the College, after considering the views of the Provost and Dean and after giving substantial weight to the views of the members of the Hearing Committee. If the faculty member is suspended without pay, and the decision of the Executive Committee (see Appendix C.4) is favorable to the faculty member, the faculty member shall receive retroactive pay for the period of suspension.

## C.4 THE EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES

### C.4.A Executive Committee Role in Non-dismissal Cases

If the matter concerns a subject other than the dismissal, loss of tenure, or suspension of a faculty member, the Provost, after consulting with the Dean, may in her or his discretion issue a determination after giving substantial weight to the recommendation, findings, and reasons of the Hearing Committee. If the Provost's conclusion concerning any action to be taken differs from the recommendation of the Hearing Committee, the Provost shall meet with the Hearing Committee, explain her or his reasons for disagreement, and explore possible means of accommodation. If the Provost and the Hearing Committee continue to disagree after that meeting, the Provost may make a final determination, which shall include a statement of her or his reasons for reaching a different conclusion despite giving substantial weight to the recommendation, findings, and reasons of the Hearing Committee. Alternatively, the Provost may submit any such matter to the Executive Committee for further consideration, accompanied by the recommendation, findings, and reasons of the Hearing Committee, as well as any recommendation, findings, and reasons of the Provost.

### C.4.B Executive Committee Role in Dismissal Cases

If the matter concerns dismissal, loss of tenure, or suspension of a faculty member and the Provost disagrees with the recommendation of the Hearing Committee, the Provost shall meet with the Hearing Committee, explain her or his reasons for disagreement, and explore possible means of accommodation. If the Provost and the Hearing Committee continue to disagree after that meeting, the President shall transmit to the Executive Committee the recommendation, findings, and reasons. If the matter concerns dismissal, loss of tenure, or suspension of a faculty member and the Provost agrees with recommendation of the Hearing Committee, such recommendation, findings, and reasons shall be final, unless the President in her or his discretion decides to submit such matter to the Executive Committee for further consideration.

### C.4.C Executive Committee Determination

The Executive Committee shall make the final determination concerning any matter submitted to it. Before making any decision, the Executive Committee shall meet with the

President, the Provost, and a representative of the Hearing Committee. In making its decision, the Executive Committee will give substantial weight to the recommendations\_of the Hearing Committee.

If the Executive Committee's conclusion concerning any action to be taken differs from the recommendation of the Hearing Committee, the Executive Committee's determination shall include a statement of its reasons for reaching a different conclusion despite giving substantial weight to the recommendation, findings, and reasons of the Hearing Committee. The President shall deliver the final decision (whether by the President or the Executive Committee) to the Hearing Committee, and the other parties in writing.

#### **APPENDIX D: FACULTY LEAVES UNDER FAMILY AND MEDICAL LEAVE ACT**

This Appendix outlines current basic features of leave under the Family and Medical Leave Act (FMLA), a federal law that provides eligible employees with up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons and how these features apply to faculty as a consequence of their unique responsibilities and the academic calendar. This outline is subject to the FMLA statute and regulations. Should the FMLA be amended by Congress, or affected by court rulings, the following information may not be wholly correct.

A current version of the complete Family or Medical Leave Policy applicable to all Simmons employees is available from the College's Human Resources Office.

##### **D.1 ELIGIBILITY**

A faculty member is eligible to request FMLA leave if she or he has worked for the College for at least twelve months and has averaged at least a two-thirds workload (including administrative duties, if any) during the twelve months before the leave.

Note regarding the Massachusetts Maternity Leave Act (MMLA): Birth and adoptive mothers who do not meet the eligibility requirements for FMLA leave but who are full-time Simmons employees and have worked for Simmons for at least three months, may be eligible for eight (8) weeks of unpaid, job-protected leave under MMLA. Information about the MMLA may be obtained from the College's Department of Human Resources.

##### **D.2 TYPES OF FMLA LEAVE**

A faculty member who is eligible for FMLA leave may use her or his 12 weeks of leave for any of a number of purposes. The following identifies various types of FMLA leaves. Each reference to "12 weeks" below is subject to reduction for any FMLA leave used in the same 12-month period for another FMLA purpose.

###### **D.2.A Parental Leave**

An eligible faculty member is entitled to up to 12 consecutive weeks of leave under the FMLA in connection with the birth, adoption or foster care placement of a child in the faculty member's home. The leave must be completed within 12 months of the birth, adoption or foster care placement. A portion of this leave is paid. Specifically, all eligible faculty members are entitled to continuation of pay for two weeks during any such leave,

regardless of whether the faculty member is the mother or father and regardless of whether the leave concerns a birth, adoption or foster care placement. In addition, under the College's current short-term disability policy, an eligible faculty member who gives birth will be entitled to continuation of her regular pay for at least six weeks of her leave due to her temporary disability. The two weeks of pay continuation referred to above may be used immediately after the short-term disability pay ends.

#### D.2.B Leave to Care for a Family Member

A faculty member may take up to 12 weeks of job-protected leave under the FMLA to care for a "spouse," "parent," or "child" with a "serious health condition" as those terms are defined under the FMLA federal regulations. The term "spouse" includes any legally married spouse as recognized by state law. For care of persons with other relationships with a faculty member, including unmarried domestic partners of a faculty member (either same sex or opposite sex), the College may grant such leaves as non-FMLA leaves, as such leaves cannot be counted as FMLA leave. Leave to care for a family member is unpaid leave.

#### D.2.C Leave for a Faculty Member's Serious Health Condition

A faculty member may take up to 12 weeks job protected leave if a serious health condition (as that term is defined under the FMLA) renders her or him unable to perform her or his job duties. Portions of the leave may be paid to the extent that the faculty member is eligible for salary continuation pursuant to an applicable short-term disability policy.

#### D.3 CONTINUATION OF BENEFITS ON AN FMLA LEAVE

During an FMLA leave, including all of the options open to faculty, the College continues the faculty member's medical insurance coverage, group life, and long-term disability plans on the same terms and conditions as if the faculty member had remained actively employed, provided that the faculty member pays for her or his share of such coverage on a timely basis as if she or he had continued actively working.

#### D.4 RETURN FROM LEAVE

The faculty member is expected to return with the rank and appointment status that she or he had at the commencement of the FMLA leave.

#### D.5 HOW LEAVE MAY BE TAKEN

The manner in which the leave may be taken (i.e., over a single span of time, intermittently, or by implementation of a reduced work schedule) varies with the type of leave and individual circumstances. In addition, in some reduced or intermittent leave circumstances, the College may temporarily reassign a faculty member, such as by reallocating teaching assignments to accommodate better periodic absences. More detailed information concerning these subjects may be found in Section D.5.B below and in the College's Family and Medical Leave Policy.

#### D.5.A Notice and Scheduling of Leaves

To avoid misunderstanding and miscommunication, faculty members should give advance written notice of the need for a family or medical leave when they are able to do so. When the purpose of the leave is for planned medical treatment of the faculty member or a family

member, the faculty member should give thirty days' advance written notice. When no advance notice is possible, the faculty member should give verbal notice and confirm it reasonably promptly in writing. As with other aspects of family or medical leaves, further details concerning notice and scheduling of leaves and documentation to support leaves are set forth in the College's complete Family and Medical Leave Policy applicable to faculty members, which is available in the Human Resources Office.

#### D.5.B Options Open to Faculty

Because of the particular issues that arise in covering faculty responsibilities when births or adoptions occur at different times of the academic year, faculty members may explore alternatives to taking twelve consecutive weeks of FMLA leave. Some of these options are identified below; this list is not exclusive and the examples are only illustrative. The availability of any of the options outlined below is subject to the approval of the Dean and the needs of the faculty member's Department, Program, or School. A faculty member seeking leave shall consult with her or his Dean(s) as soon as possible to allow sufficient time to choose the appropriate option and to arrange for replacing the faculty member during the leave.

The overriding goals of this policy are to promote fairness and equity and to balance the desire to accommodate faculty members against the necessity to meet the needs of our students and programs, especially the need for continuity in instruction.

1. A faculty member who gives birth to a child and is eligible for short-term disability payments may take an entire semester of leave at half pay normally in the semester in which the child is born, instead of receiving full pay for eight weeks and having to return at the end of 12 weeks.

Example: A faculty member gives birth in early September. She is entitled to 12 weeks of FMLA leave and the first eight weeks is paid pursuant to the College's short-term disability policy. Under the FMLA, she would be required to return to work in early November. Under this option, she may remain at home the entire fall semester and receive half-pay during the entire semester instead of full pay for eight weeks.

Example: A faculty member gives birth in mid-October. Instead of starting her leave upon the birth of her child, she elects to take the entire Fall semester off. Instead of eight weeks of salary continuation pursuant to the College's short-term disability policy starting at the birth of her child, she begins her leave in early September and elects instead to receive 50% of her salary for the entire semester.

2. A faculty member who adopts a child in the middle of a semester may take the entire semester off unpaid instead of returning to her or his teaching duties after 12 weeks of FMLA leave.

Example: A faculty member adopts a child in January or February. Under FMLA, she or he is entitled to 12 weeks of unpaid leave from the date of placement. Instead of returning after the 12 weeks, the faculty member may continue to remain on unpaid leave for the remainder of the semester.

3. A (male or female) faculty member who is adopting a child, or a faculty member whose spouse or same sex domestic partner is giving birth to a child, may arrange for a reduced teaching load (with corresponding proportional reduction in pay) either during the semester in which the child is born or placed in the faculty member's home for adoption or the semester immediately following the birth or placement for adoption.

Example: A faculty member adopts a child in July. The faculty member does not teach during the summer months but asks for a reduced teaching load (with corresponding reduction in pay) for the fall semester to assist with the care of the newly-adopted child.

4. A faculty member may choose to have an increased workload prior to the birth or legal adoption of a child and bank this time. In such a manner, a faculty member may bank time up to the equivalent of a semester's workload. Depending on the amount of time banked, the faculty member may then take a reduced teaching load or a semester released time.

5. A faculty member may elect a leave option available to non-faculty Simmons employees as may be available pursuant to the College's policies governing FMLA leave or other kinds of leave.