

# Middlebury's Mission Statement

*Through a commitment to immersive learning, we prepare students to lead engaged, consequential, and creative lives, contribute to their communities, and address the world's most challenging problems.*

*--from the Envisioning Middlebury framework, adopted October 21, 2017 by the Middlebury Board of Trustees for all Middlebury programs*

## Introduction to Middlebury's Handbook

This Handbook supersedes previous editions of the College, Institute, and Language Schools Handbooks as of its online publication date. Section I applies to all students, faculty and staff of Middlebury programs, while other sections may apply only to specific populations, such as students in a particular program. Middlebury ensures compliance with local laws throughout its programs, in the United States and abroad, while setting common expectations for the behavior of all members of Middlebury programs to advance Middlebury's educational mission. Practical considerations of style and a desire to present information to the Middlebury community in a useful, efficient manner dictate that this Handbook focus on the more general principles that govern our relationships to each other, rather than articulating multiple procedures and variances in implementation that ensure compliance with local laws.

## Academic Freedom, Integrity, and Respect

Middlebury's educational mission is supported by three pillars: the right of academic freedom, the responsibility of personal and professional integrity, and the value of respect.

Academic freedom is vital to the pursuit of knowledge. In seeking truth and understanding in a complex world, scholars must have the ability to ask any question, test any hypothesis, consider any line of reasoning, and critically assess any assumption. Middlebury therefore recognizes that members of its community have the essential right to freely speak, hear, write, challenge, and argue, and to pursue questions of their choice using methods, sources and approaches of their choice. Middlebury accepts an institutional obligation to resolutely defend and protect this right for all members of its communities, even when doing so admits inquiry and speech that some may find offensive. While this right is broad, it is not without limit. The Handbook defines and describes specific circumstances in which unfettered freedom would infringe on the rights of others or impede Middlebury's educational mission and operations. These sections delineate policies prohibiting disruption of Middlebury's educational functions, define Middlebury's general conduct standards and anti-harassment and discrimination policies, and address the rights and obligations of faculty in establishing the parameters of courses. Such policies are intended to protect Middlebury's academic mission and the personal rights of all members of its community, not to inhibit academic inquiry and expression

With the right of academic freedom comes the responsibility of *integrity*, which is a key guard against false information and the abuse of power. Personal and professional integrity have many components that extend beyond the specifics of Middlebury's honor code, and they encompass a broader ethical practice of inquiry pursued with rigor and honesty. Professional integrity requires recognition of the expertise of past and current communities of scholars and students, and necessitates critical evaluation of this received knowledge. It also demands honest and transparent reporting of research, observation, and experimental evidence, consistent with the respective standards of our disciplines. On a personal level, integrity calls for recognition of the limits of one's own knowledge and expertise at any moment in time, and demands curiosity and creativity in the face of those limits. It also means the willingness to take a principled stand even when it is unpopular, and equal willingness to admit error. Correspondingly, given that interpretations and arguments are contestable, having integrity means acknowledging alternative understandings as well as allowing others to examine them. Above all, integrity requires awareness of the ways in which personal and institutional power can threaten academic freedom and a commitment to protect it equally and for all.

Academic freedom and integrity are necessary but not sufficient to pursue knowledge and critical engagement with the wider world. Engagement with the ideas and experiences of others are also key guards against our own individual limitations and biases. We, as members of this academic community, therefore recognize the fundamental principle of mutual respect. We aspire to demonstrate intellectual range and emotional generosity by opening ourselves to different perspectives. As an institution, Middlebury is committed to creating an atmosphere in which all of its members live and work free from discrimination and harassment. Its defense of academic freedom must be waged in conjunction with the principle of civil discourse. While disagreement is inevitable and acceptable in a free and diverse community, we strive, on both individual and institutional levels, to cultivate respect and responsibility for self, others, and our shared environment.

*--Adopted by the President in August 2018, upon the endorsement by the Middlebury College Faculty and the Faculty of the Middlebury Institute of International Studies.*

# I. Middlebury-Wide Policies

The freedom to teach and learn depends upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in classrooms and lecture halls. All members of the academic community share the responsibility for securing and sustaining the general conditions conducive to this freedom.

The primary purposes of regulations and discipline in an academic community are to protect the well-being of the community and to advance its educational mission by defining and establishing certain norms of behavior.

## Please select from the following content: ↻

- [A. General Principles](#)
- [B. Non-Discrimination Policies](#)
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## A. General Principles

The subpages in this section apply to all members of the Middlebury community in all locations.

- [A.1. Respectful Behavior](#)
- [A.2. Honesty and Cooperation in Middlebury Matters](#)
- [A.3. Non-discrimination Statement](#)
- [A.4. Environmental and Sustainability Policy](#)
- [A.5. Policy on Open Expression](#)

### A.1. Respectful Behavior

1. Middlebury expects all members of the Middlebury community, as well as visitors, to respect the dignity, freedom, and rights of other persons. Violence in word or deed against another; incitement or provocation to violence; negligent or reckless use of physical force; conduct that may reasonably be expected to exploit or coerce; prevention of another's ability to communicate or move freely; violation of another's privacy; unauthorized entry and/or uninvited or unwanted presence in another's room or office, are examples of disrespectful behavior that is inconsistent with our shared values and expectations of behavior.

2. Middlebury further expects that all members of the Middlebury community, as well as visitors, will respect Middlebury property, resources, and assets and take care to steward our shared space and resources to support our educational mission.

3. Disruption of Middlebury's educational functions is prohibited.

4. Middlebury's expectations that community members, as well as visitors, will cultivate respect and responsibility for others includes the obligation not to retaliate against another person. Retaliating directly or indirectly against a person because they have made a report or participated in a Middlebury investigation of a policy violation of any type is therefore prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support a complaint or to provide false or misleading information, or otherwise engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Depending on the circumstances, retaliation may also be unlawful, whether or not the complaint is ultimately found to have merit.

## A.2. Honesty and Cooperation in Middlebury Matters

Members of the Middlebury community as well as visitors are expected to be honest and straightforward in their dealings with Middlebury processes, activities and people. This obligation includes honoring contracts and agreements, providing accurate information on official forms and documents, and providing accurate information to Middlebury personnel, offices and committees. Deliberate violations of this provision will be considered serious offenses.

## A.3. Non-discrimination Statement

Middlebury College ("Middlebury") complies with applicable provisions of state and federal law\* which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin (including language), religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law. Middlebury also complies with all other anti-discrimination protections that might be provided by particular states in which it operates educational programs; questions about the scope of any such protections should be addressed to the [Civil Rights and Title IX Coordinator](#) and/or the on-site administrative representative for the particular program at issue. The Civil Rights and Title IX Coordinator coordinates Middlebury's efforts to comply with any and all federal and state laws that prohibit discrimination on the basis of one or more of the protected characteristics listed above. Complaints about discrimination and harassment are handled in accordance with Middlebury's [Non-Discrimination Policy](#). Information about the work of the Middlebury College Community Bias response Team is available [here](#). As noted above under [Respectful Behavior](#), retaliation for any complaint of any policy violation is strictly prohibited.

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\*Middlebury complies with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including language).
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities.
- Age Discrimination Act of 1975, which prohibits discrimination based on age.
- U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

## A.4. Environmental and Sustainability Policy

### Statement of Commitment to the Environment

*Prepared by Environmental Council, endorsed by the Middlebury College Board of Trustees in May 1995*

"Middlebury is committed to environmental mindfulness and stewardship in all its activities. This commitment arises from a sense of concerned citizenship and moral duty and from a desire to teach and lead by example. Middlebury gives a high priority to integrating environmental awareness and responsibility into the daily life of the institution. Respect and care for the environment, sustainable living, and intergenerational responsibility are among the fundamental values that guide planning, decision-making, and procedures. All individuals in this academic community have personal responsibility for the way their actions affect the local and global environment."

### Guiding Principles in Sustainability

The values laid out above are systemic to the vision and operation of Middlebury and it continues to be a leader in the area of sustainability. As architect and designer William McDonough describes, a sustainable world is one that is "delightfully diverse, safe, healthy and just - with clean air, soil, water and power - economically, equitably, ecologically and elegantly enjoyed" and this is the type of future we hope to create and encourage at Middlebury. Striving for sustainability challenges us to address complex problems, both in the curriculum and in our life as citizens in a globalized world. In order to move toward sustainability we must consider:

- Teaching ourselves—and learning from each other—how to move towards sustainable lifestyles;
- Making ethical and just decisions about production, exchange and consumption
- Reaching decisions, in a democratic spirit, that help us advance sustainability in a complex and globalized world;
- Meeting present and future human needs while protecting and restoring ecological resilience and integrity;
- Caring for the community of life on earth; and
- Actively promoting sustainability goals and sharing the successes and lessons learned at Middlebury with other institutions and individuals.

## A.5. Policy on Open Expression

Middlebury is a community of learners that dedicates itself to creating a world with a robust and inclusive public sphere, including on our campuses. A robust and inclusive public sphere is one where all voices can be heard and have the opportunity to contribute to the conversation. Middlebury's mission is to prepare students to lead engaged, consequential, and creative lives, to contribute to their communities, and to address the world's most challenging problems. This mission requires a learning environment where all community members practice engaging across difference, perspective taking, and critical thinking to expand their understanding of the range of attitudes, values, ideas, actions, issues, policies, and practices that exist on campus and in the world beyond. Learning occurs inside and outside the classroom, often involving public speech and action through which people affirm and enact their values.

Academic freedom is essential to Middlebury's mission and freedom of expression is a vital component of academic freedom. Campus community members engaging in open expression—and in response to the expression of others—are expected to do so in a way that affirms our three pillars of academic freedom, integrity, and respect. Protecting open expression does not mean that Middlebury approves of or endorses all views expressed, especially where the expression conflicts with our fundamental commitment to inclusivity – that the contributions of every community member are valued. Moreover, there are legal limits on the range of expression permitted. Speech that incites or threatens physical violence, speech that is defamatory, and forms of expression that violate our Anti-Harassment/Discrimination policy, are inconsistent with our educational mission

and our shared community values. We recognize that open expression can result in hurt and harm to members of our community and our sense of shared purpose, and we continue to dedicate ourselves to making Middlebury a more inclusive community.

Campus community members planning to invite an outside speaker must review and follow the [Policy on Scheduling Middlebury Space for Events](#) and are responsible for communicating Middlebury's expectations to invited guests.

### **Peaceful protest and demonstration are important forms of activism**

Middlebury recognizes the historical importance of nonviolent public demonstration and protest. Activism enables community members to publicly display their concerns, their values and their aspirations. Middlebury supports the expression of one's own ideas and the response to others' ideas. We affirm the right to assemble peacefully to evince dissent and to call on others to take action.

### **Community members can engage in non-disruptive protest and demonstration**

All members of the campus community can engage in personal activity involving protest and demonstration to express one's own ideas.

### **Conduct Standards**

Speech that incites or threatens physical violence, speech that is defamatory, and forms of expression that violate our Anti-Harassment/Discrimination Policy, are prohibited and subject to discipline and sanction in accordance with the appropriate Handbook procedures.

Middlebury does not permit actions that prevent the speech of others, block the passage of persons or vehicles, cause property damage, threaten campus or personal safety, or result in physical harm to individuals. Such actions will be subject to discipline and sanction in accordance with the appropriate handbook procedures.

Middlebury does not permit substantial disruption to campus events, activities and operations. Individuals engaged in substantially disruptive behaviors will generally be warned once and then be subject to disciplinary sanctions for such behaviors. An extended period of substantially disruptive behavior may result in dispersal of the group or activity as well as more serious disciplinary consequences for participants.

Violations of state or federal laws (for example, violence or trespassing after being warned) may result in arrest and/or criminal charges by law enforcement officers through a criminal process.

Middlebury faculty, staff, and students may not claim or appear to represent the views of the institution nor make significant use of Middlebury resources to support their personal expression.

### **Related Policies and Documents:**

1. [Demonstration Regulations](#)
2. [Policy on Scheduling Middlebury Events](#)
3. [Frequently Asked Questions about Open Expression](#)
4. [Open Expression Resources Page](#)

*Effective 11-21-19*

## B. Non-Discrimination Policies

- [B.1.a. Non-Discrimination Policy](#)
- [B.1.b. Non-Discrimination Investigations & Resolutions Procedure](#)
- [B.1.b \(1\) Title IX Investigation & Resolutions Policy](#)
- [B.1.c. Americans with Disabilities Act Policy](#)
- [B.1.d. Service and Assistance Animals Policy](#)

### B.1.a. Non-Discrimination Policy

Middlebury is committed to creating and maintaining a diverse, equitable and inclusive campus environment where we value openness, curiosity, rigor, and equality. Discrimination, including harassment, is antithetical to our values and mission, and, therefore, Middlebury seeks to eradicate unlawful discrimination based on protected personal characteristics in its educational and employment environments.

Individuals who feel they have experienced discrimination, including harassment, based on a protected personal characteristic are strongly encouraged to report the behavior to our Civil Rights and Title IX Office. Middlebury provides timely services to those who have been affected by discrimination, including harassment. It is not necessary to file a complaint with Middlebury or participate in an adjudication process in order to request “supportive measures” from Middlebury. Appropriate supportive measures may vary depending on specific facts and circumstances and will be determined on a case-by-case basis. Moreover, Middlebury provides procedures to assure prompt and equitable investigation and resolution intended to stop discrimination/harassment, remedy harms and prevent repetition. Different types of behavior are subject to different procedures, in accordance with federal law.

Violations of this Policy may result in sanctions up to and including termination, dismissal, or expulsion, as determined by the appropriate Middlebury officials. Concerns about conduct under this Policy may be resolved through informal or “adaptable” resolutions, when appropriate. Retaliation against an individual for raising an allegation of discrimination, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited. Nothing in this Policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or Middlebury’s educational mission.

#### Scope:

This Policy applies to all students, staff, faculty, applicants and visitors to Middlebury’s programs and campus. “Middlebury” includes the undergraduate college, the Language Schools, the School of the Environment, MiddCore, Bread Loaf School of English, Bread Loaf Writers’ Conference, Middlebury College Schools Abroad, and the Middlebury Institute of International Studies at Monterey.

#### Types of Behavior Prohibited by Law and this Policy:

Members of and visitors to the Middlebury community are prohibited from engaging in:

- (i) Sexual Harassment as defined by Title IX, including but not limited to sexual assault, domestic and dating violence and misconduct, sex-based stalking, and *quid pro quo* sexual harassment;
- (ii) Discriminatory harassment, based on or motivated by an individual’s actual or perceived race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, marital status, pregnancy or sex, sexual orientation, gender identity or expression (including but not limited to sexual assault, domestic and dating violence and misconduct, and stalking) not meeting the definition of Title IX Sexual Harassment, or other

characteristics as defined and protected by law in the location where a particular program is operating (e.g. crime victim status in Vermont); and

(iii) Discrimination in employment, or in admission or access to Middlebury's educational or extracurricular programs, activities, benefits or facilities based on an individual's race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, pregnancy, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or disability and/or any other status or characteristic as defined and to the extent protected by applicable law (e.g. crime victim status in Vermont).

### **Defining Prohibited Conduct:**

1. [Domestic violence](#) means conduct that constitutes a crime of violence in the relevant jurisdiction (either felony or misdemeanor) committed:

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2. [Dating Violence](#) means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

3. Discrimination in employment, admission or access to Middlebury's education or extracurricular activities means taking an action against a person based on or motivated by that individual's protected characteristic(s) (identified in (iii) above).

4. Discriminatory [harassment](#) means verbal, written, visual, or physical conduct based on or motivated by an individual's [actual or perceived sex](#), sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, marital status, or other characteristics defined and protected by local law, that has the purpose or effect, from the point of view of a reasonable person, of objectively and significantly:

1. undermining and detracting from or interfering with an individual's educational or work performance or access to Middlebury resources; or
2. creating an intimidating, hostile, or abusive educational, work, or living environment.

5. *Quid Pro Quo* Sexual Harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature if:

1. submission to that conduct is made either explicitly or implicitly a term or condition of employment or educational status; OR
2. submission to or rejection of such conduct is used as a component of or as the basis for employment decisions (such as wages, evaluation, advancement, assigned duties, or shifts) or educational/student life-related decisions (such as grades, class assignments, or letters of recommendation, or residence-related decisions) affecting an individual.

6. Retaliation means intimidating, threatening, or coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding violations of this Policy. [Retaliation](#) also means taking an adverse action against a person because of their report of prohibited conduct or participation in any procedure(s) under this



Policy, including intimidation, threats, coercion, harassment or negative employment or educational actions that would discourage a reasonable person from engaging in activity protected by this Policy. Middlebury will not engage in retaliation and will investigate and address reports of retaliatory conduct. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit. Complaints of retaliation should be reported to the CRTIX, under the procedures described below.

7. Sexual Assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status, and with or without physical resistance or violence. Sexual Assault in this Policy includes:

1. [rape](#),
2. [fondling](#) without consent,
3. [incest](#), or
4. [statutory rape](#)

8. Stalking means engaging in two or more [acts](#) directed at a specific person that would cause a [reasonable person](#) to either (i) fear for the person's safety or the safety of others; OR (ii) suffer [substantial emotional distress](#).

### Other Definitions:

Consent means words or actions, affirmatively, unambiguously and voluntarily spoken or engaged in by each party, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.

Consent is not present or valid when a person is incapable of consenting, as defined below; when intimidation, use of force, threat of force, or other actions that a reasonable person in that person's circumstances would consider coercive are applied; when that person is placed in fear that any person will suffer imminent bodily injury; when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or when a person is under the age of 16. Silence, non-communication, or a lack of resistance does not necessarily imply consent. Previous relationships or consent do not imply consent to future sexual conduct. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be revoked at any time.

A person is "incapable of consenting" for purposes of this policy if they:

- are incapable of understanding the nature of the conduct at issue;
- are physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or
- are asleep, unconscious, or otherwise unaware that the conduct is occurring; or
- lack the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

A person may be incapable of consenting due to the effects of alcohol, drugs or other intoxicants, or due to a physical, mental or other condition.

The use of alcohol or drugs does not minimize or excuse a person's responsibility for committing sexual misconduct, or that person's responsibility for determining whether another is capable of giving consent, as described above.

Determinations regarding whether a person is responsible for violating this policy will be made by considering whether the person knew, or a reasonable, unimpaired person in their circumstances should have known, that the other person was incapable of consenting to the sexual conduct at issue.

Coercion means the use of unreasonable pressure to gain sexual access. Coercion is more than a momentary effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear a decision not to engage in sexual activity, or makes a decision to stop sexual activity, or a decision not to go

beyond a certain sexual activity, continued pressure to engage can be coercive. In evaluating whether coercion was used, the College will consider: (i) the frequency of the application of pressure; (ii) the intensity of the pressure; (iii) the degree of isolation of the person being pressured; (iv) the duration of the pressure; and (v) any other similar or related conduct.

Please also see [Appendix A: Applicable Definitions: U.S. State and Federal Law where Middlebury Operates Programs](#).

### **Investigation and Resolutions Procedures.**

Violations of this policy are investigated and adjudicated using the following procedures:

#### **(A) Title IX Investigation & Resolutions Procedure**

In accordance with Federal law and the Title IX regulations issued in May 2020, all Title IX Sexual Harassment prohibited by this policy is investigated and adjudicated using Middlebury's [Title IX Investigation & Resolutions Procedure](#), which applies to:

- (i) Sexual assault, domestic violence, dating violence, or stalking on the basis of sex, committed in an education program or activity of Middlebury in the United States;
- (ii) *Quid pro quo* sexual harassment committed in an education program or activity of Middlebury in the United States by which an employee of Middlebury conditions the provision of a Middlebury aid, benefit, or service on a student's or employee's participation in unwelcome sexual conduct; and
- (iii) Severe, pervasive and objectively offensive sexual harassment on the basis of sex committed in an education program or activity of Middlebury in the United States that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to the College's education program or activity.

#### **(B) Non-Discrimination Investigations & Resolutions Procedure**

All other conduct prohibited by this policy that is not covered by Middlebury's Title IX Investigation & Resolutions Procedure is investigated and adjudicated using Middlebury's [Non-Discrimination Investigation & Resolutions Procedure](#).

#### **(C) General Conduct Procedures.**

Middlebury prohibits other violent, threatening or exploitative conduct, some of which may have been included in previous versions of Middlebury's SMDVS Policy, but for which the respondent need not be motivated by an individual's actual or perceived protected status in order for a violation to be found, such as dating misconduct and sexual exploitation, through its conduct policies for students, staff and faculty.

### **Amnesty**

Middlebury encourages the reporting of all concerns regarding harassment and discrimination. Sometimes individuals are hesitant to report such instances because they fear they may be charged with other policy violations, such as underage alcohol consumption. While not condoning infractions of any kind, to encourage reporting, Middlebury may, where appropriate, offer leniency with respect to other policy violations that may be revealed as a result of a report, particularly those involving underage drinking or drug use. The nature and scope of the leniency will depend on the particular circumstances involved. Individuals should understand that the use of alcohol or drugs never makes them at fault for instances of harassment or discrimination committed against them, nor does it mitigate accountability for committing such violations against another.

### **Confidentiality**

Middlebury will treat information it has received with appropriate sensitivity and care and will endeavor to protect the privacy of the individuals to the extent it can do so, consistent with its obligations to respond to reports of violations of its policies. More detailed information on confidentiality can be found in the appropriate Procedure.

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## Glossary of Terms

### Acts:

Acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

### Dating violence:

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been dating as defined here, and violence means conduct that involves the use or threatened use of physical force against a person, or creates a reasonable belief that physical force may be used against a person in the course of the conduct. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

### Domestic violence:

For the purposes of this definition, domestic violence includes but is not limited to sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been in a domestic relationship as defined here, and violence means conduct that involves the use or threatened use of physical force against a person, or creates a reasonable belief that physical force may be used against a person in the course of the conduct.

### Fondling:

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent (as defined above) because of their age or because of their temporary or permanent mental incapacity; for purposes of this definition, "private body parts" is defined as a person's breast(s), buttock(s), groin or genitals, and prohibited touching may be over or under clothing.

### Harassment:

Harassment may include repeated slurs, or taunts in the guise of jokes, or disparaging references to others, use of epithets, stereotypes, comments, gestures, threats, graffiti, display or circulation of written or visual materials, taunts on manner of speech, and negative reference to customs when such conduct is based on or motivated by one or more of the protected characteristics identified above, or other characteristics as defined and protected by applicable law. In Middlebury's Vermont programs, harassment may also include conduct of the type described above that is based on or motivated by a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability, which has the type of purpose or effect described above. With respect to Middlebury programs operating in states other than Vermont (e.g.,

California, New Mexico, and Washington, D.C.), harassment shall be defined as stated in this section unless the local law applicable to the program at issue mandates a broader definition, in which case such law will apply.

**Incest:**

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Rape:**

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent (as defined below) of the victim.

**Reasonable person:**

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

**Retaliation:**

Retaliation can include making charges against an individual for conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

**Actual or perceived sex:**

Based on “sex” includes sexual harassment. Some common examples include: touching or grabbing a sexual part of a person’s body; touching or grabbing any part of a person’s body after that person has indicated, or it is known or reasonably should be known, that such physical contact was unwelcome; continuing to ask a person to socialize when that person has indicated they’re not interested; displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or reasonably should be known that the behavior is unwelcome; continuing to write sexually suggestive notes or letters if it is known or reasonably should be known that the person does not welcome such behavior; referring to or calling a person a sexualized name if it is known or reasonably should be known that the person does not welcome such behavior; regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or reasonably should be known that the person does not welcome such behavior; derogatory or provoking remarks about or relating to a person’s sex or sexual orientation; harassing acts or behavior directed against a person on the basis of their sex or sexual orientation.

**Statutory rape:**

Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

**Substantial emotional distress:**

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

*Published: August 14, 2020*

*Amended: September 22, 2023*

## **B.1.b. Non-Discrimination Investigations & Resolutions Procedure**

### **A. General Provisions**

#### **1. Scope**

Except as otherwise specified herein, this Non-Discrimination Investigations & Resolutions Procedure (“**Procedure**”) applies to faculty, staff, students, and applicants (for employment at Middlebury or to Middlebury's programs; hereinafter referred to as "applicants") as well as to others who participate in Middlebury programs and activities, including the undergraduate college, the Language Schools, the School of the Environment, MiddCore, Bread Loaf School of English, Bread Loaf Writers' Conference, Middlebury College Schools Abroad, and the Middlebury Institute of International Studies at Monterey (“the Middlebury Institute”). The policy also applies to volunteers, interns and persons providing services pursuant to a contract to the extent required by applicable local law.

See also [Addendum](#) applicable to California employees only, in this document below.

This Procedure is available online at [go/antiharassment](https://go.middlebury.edu/antiharassment). Printed copies may be requested from the Civil Rights and Title IX Coordinator.

There are many resources available to individuals who are involved in some way with an incident of discrimination, retaliation, or harassment, including sexual harassment. Please see Appendix [A](#) for contact information.

#### **2. Proceedings Outside of Middlebury**

Any individual has the right to pursue discrimination and harassment complaints, including sexual harassment and related retaliation utilizing local, state, or federal enforcement agencies, including local and state police agencies, as appropriate, regardless of whether they choose to file a complaint with Middlebury (see contact information available on the Civil Rights and Title IX website). The agencies listed on the Civil Rights and Title IX website can conduct impartial investigations, and facilitate conciliation, and, if an agency finds that there is probable cause or reasonable grounds to believe that unlawful harassment, discrimination, or retaliation has occurred, it may take the case to court.

##### **a. Criminal Complaints**

Any student or employee may pursue criminal charges with local, state, or federal law enforcement agencies. Middlebury will offer and, upon request, provide assistance to individuals covered under this procedure with notifying law enforcement agencies. These options are available regardless of whether an individual chooses to file a complaint with Middlebury. Individuals have the option to notify such agencies with or without assistance from Middlebury, and have the option not to personally notify such authorities.

##### **b. Orders of Protection**

Middlebury does not have the authority to issue Relief From Abuse Orders, Orders of Protection or Restraining Orders as these are granted by the court system. Individuals who have experienced Title IX Sexual Harassment

may be eligible to pursue Orders of Protection, Restraining Orders and/or Relief from Abuse Orders from courts in the United States or courts outside of the United States as applicable. Middlebury will offer its support to individuals if they request Middlebury's assistance with making contact with law enforcement authorities and other external resources to seek such orders. Middlebury will respect such orders to the extent applicable.

#### c. Assistance by Middlebury

Requests for assistance with contacting law enforcement authorities or obtaining an Order of Protection, a Relief from Abuse Order, a Restraining Order or other lawful order may be made in person, via email, phone or teleconference to the CRTIX Coordinator, an HRO, or Public Safety. For additional information regarding making reports to the police and/or obtaining an Order of Protection, Restraining Order, or Relief from Abuse Order.

### 3. What This Procedure Covers

This Non-Discrimination Investigations & Resolutions Procedure is intended to address instances of prohibited discrimination, including sexual harassment and other harassment, as defined in Middlebury's Non-Discrimination Policy that are not required by the Department of Education to be handled under Middlebury's Title IX Investigation & Resolutions Procedure.

Middlebury may, in exceptional circumstances, vary from this Procedure. So long as such a variation is consistent with relevant law and allows for fundamental fairness in the processes followed, variations from this process under those circumstances will not invalidate an outcome.

Middlebury complies with all applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities. With respect to Middlebury programs operating in states other than Vermont (e.g., California, New Mexico, and Washington D.C.), discrimination shall be defined as stated in the Non-Discrimination Policy unless the local law applicable to the program at issue mandates a broader definition, in which case such law will apply.

### 4. Retaliation

Retaliation against an individual for raising an allegation of discrimination, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited under the Non-Discrimination Policy.

### 5. Confidentiality

Certain Middlebury employees may maintain confidentiality, but most cannot. Although strict confidentiality may therefore not be guaranteed, in all cases Middlebury will handle information in a sensitive manner and will endeavor to protect the privacy of individuals and maintain confidentiality to the extent possible consistent with its obligations to respond to reports of discrimination, harassment and/or related retaliation.

This section is intended to inform students, faculty, and staff of the various reporting and confidential disclosure options available to them, so that they can make informed choices about where to go for help.

#### a. Confidential Resources

A confidential resource is an individual who is legally and ethically bound to keep confidential all information shared with them in the course of providing counsel and support, except under the circumstances noted below. Middlebury respects that the decision to come forward may be difficult and that individuals may wish to seek assistance from someone who can provide confidential information and support, and who can provide assurances that what is disclosed will not be acted on except in the circumstances outlined below. (For a list of confidential resources, see the Civil Rights and Title IX website).

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional, religious advisor or MiddSafe Advocate. The medical, mental health, religious professionals and MiddSafe advocates at Middlebury and their off-campus counterparts respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have to breach a confidence, however, when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (e.g., any allegation of sexual and/or physical abuse of a person under 18). These exceptions to confidentiality are governed by the law of the state in which the confidential resource is located.

An individual who speaks to a confidential resource must understand that, if they want to maintain confidentiality, Middlebury will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the individual who is alleged to have violated this policy.

#### b. Non-Confidential Resources

Non-confidential resources are all faculty or staff members, including ombudpersons and residential life staff who are not medical or counseling professionals, clergy, or MiddSafe Advocates, and are therefore not permitted to honor requests for confidentiality. Non-confidential faculty or staff who learn of an incident of discrimination, harassment or related retaliation involving a student are required to report that information to the HRO. (See Section B.1. for more information).

Faculty and staff who are “[Campus Security Authorities](#)” are required to report certain crimes to the Department of Public Safety for the purpose of compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Employees with supervisory responsibility are expected to report all incidents of harassment, discrimination and related retaliation involving employees to the HRO and/or to Human Resources.

General inquiries to Middlebury officials about policies or procedures, and conversations in which the alleged wrongdoer is not identified by name or by implication from the circumstances may remain private. Otherwise, individuals who want to maintain confidentiality should seek a confidential resource.

#### c. Confidentiality

Middlebury is responsible for providing a safe and nondiscriminatory environment for students, faculty and staff. Outside of the Confidential Resources outlined above, Middlebury will take reasonable steps to avoid disclosure of the identity of a complainant. Depending on a number of factors including the specifics of a concern, the identity of a complainant may become readily apparent. Middlebury will only disclose information regarding a concern of discrimination on a need to know basis or as required to by law.

#### d. Other Disclosures Required by Law

Middlebury will not include the names of complainants or other identifying information in publicly available reports as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. In certain circumstances, Middlebury may need to report an incident to law enforcement authorities. Such circumstances include but are not limited to incidents that warrant the undertaking of safety and security measures for the protection of the individual and/or the campus community, instances involving abuse of minors, or situations in which there is clear and imminent danger and/or a weapon may be involved.

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## B. Procedures for Addressing Harassment, Discrimination and Related Retaliation<sup>2</sup>



Middlebury encourages individuals to report incidents of discrimination, harassment and related retaliation so that they can obtain support and information and so that Middlebury can respond appropriately. Individuals are encouraged to report their concerns to the Civil Rights and Title IX Coordinator.

## 1. Reporting Requirements for Staff and Faculty<sup>2</sup>

All members of Middlebury's community are expected to promote an environment free from prohibited discrimination, harassment, including sexual harassment, and related retaliation.

Any faculty or staff member who learns of an incident of discrimination, harassment, or related retaliation involving a student must report this information to a Middlebury Human Relations Officer or the Civil Rights and Title IX Coordinator (see [Appendix A](#) for contact information), or the appropriate dean or program director in cases involving the Language Schools, Schools Abroad, Bread Loaf, the Middlebury Institute, MiddCore, School of the Environment, or other Middlebury program, as applicable, unless their status as a confidential resource precludes this disclosure. Confidential resources include the staff of the Center for Health and Wellness, the staff of the Chaplain's Office, MiddSafe Advocates, or other medical, counseling, support or religious personnel and volunteers who are required by law to maintain confidentiality. Please see Section A.5. Confidentiality for more information.

Employees with supervisory responsibility must report incidents of discrimination, harassment, including sexual harassment, or retaliation, and, if directed by HR or another appropriate official, take appropriate remedial action should such matters come to their attention. Supervisors should report any complaints or suspected acts of harassment, discrimination, or retaliation (even if they do not involve direct reports) to a HRO, Human Resources, or the Civil Rights and Title IX Coordinator in accordance with Section 2, below. Depending upon the circumstances of a given situation, supervisors may be responsible for taking steps such as, by way of example but not limitation, addressing issues directly with staff, faculty, or students whom they supervise, facilitating informal resolution or mediation of issues, providing information on avenues to address questions of harassment, discrimination, and/or retaliation, or pursuing complaints under the complaint procedures described here.

Failure to report or address harassment, discrimination, or retaliation complaints or suspected acts of harassment, discrimination, or retaliation appropriately in accordance with this section may be considered a violation of Middlebury's policy.

## 2. Complaint Procedures<sup>2</sup>

Any Middlebury student, faculty member, staff member or applicant (for employment or to any Middlebury program) who has reasonable cause to believe that discrimination or harassment, including sexual harassment, has occurred or is occurring, or who believes that a student, faculty member, staff member or applicant has been subjected to retaliation for having brought or supported a complaint of discrimination or harassment, is encouraged to bring that information to the immediate attention of the official who is designated to receive such reports in the Middlebury program at issue (reports or complaints can be made verbally or in writing).<sup>[1]</sup> Reports may also be made to the Civil Rights and Title IX Coordinator or any HRO (student, faculty and staff matters), or to Human Resources (employees).

If the designated HRO is unavailable, or if the HRO has a conflict of interest, the report should be made to the designated alternate HRO for the program at issue. The alternate shall have the same authority as the designated HRO to oversee investigations and adjudicate harassment, discrimination, and retaliation complaints. The names and contact information for offices and/or individuals serving as Human Relations Officers and alternate Human Relations Officers in Middlebury's various programs and locations are listed on the Civil Rights and Title IX website.



Middlebury encourages students, faculty, staff and applicants to report instances of unwelcome protected-characteristic-related conduct (including unwelcome conduct of a sexual nature) even if the conduct is not sufficiently severe such that it undermines and detracts from or interferes with an individual's education, work performance, or access to Middlebury resources, or creates an intimidating, hostile, or offensive educational, work, or living environment. Middlebury encourages such reports, including through our online form, so that the behavior can be addressed before it creates a hostile environment for the affected individual. In such instances, the HRO and/or other Middlebury officials, to the extent appropriate, will address the conduct in a manner that is reasonably calculated to prevent its reoccurrence.

When the HRO receives actual notice – i.e., a written or oral complaint or report directed to the HRO – of conduct that may constitute prohibited discrimination or harassment (including sexual harassment) or related retaliation that may be investigated and adjudicated under this Procedure, Middlebury will initiate the following process, except as otherwise provided in subsection 5, below:

- a. The HRO will promptly determine initially whether the report or complaint alleges conduct that is prohibited by the [Non-Discrimination Policy](#) and whether an investigation and adjudication should proceed under this Procedure.
- b. If the HRO determines that the report or complaint does fall within the scope of the [Non-Discrimination Policy](#) and that an investigation and adjudication should proceed, a copy of the [Non-Discrimination Policy](#) and this Procedure will be provided to the complainant and the respondent and the parties will be notified that Middlebury is investigating the possibility that the respondent has violated the [Non-Discrimination Policy](#) using this Procedure (absent extenuating circumstances). The HRO will then, individually or in conjunction with other Middlebury offices or individuals (including, if warranted, independent investigators), promptly and equitably conduct or supervise an investigation that is appropriate under the circumstances. The investigation will be conducted in a prompt, thorough, fair, timely, equitable, and impartial manner.

The investigator is authorized to contact any and all individuals; Middlebury recognizes, however, that individuals who are bound by legal privileges may not be able to disclose privileged information, unless an exception applies. The investigator is authorized to access relevant records, except those legally protected as confidential or privileged, and may collect any additional evidence relevant to the complaint. The nature and scope of the investigation is within the sole discretion of the investigator and/or the HRO.

All witnesses identified in connection with an investigation under this Procedure are expected to cooperate fully in the investigation by providing complete, accurate, and truthful information. Middlebury policy prohibits intentionally making a false report or providing false or misleading information in any investigation under this Procedure. Complainants will not be deemed to have provided false or misleading information under this policy if their factual allegations are intended to be truthful and are made in good faith, regardless of whether the conduct complained of is ultimately found to constitute a policy violation.

Witnesses may be expected to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of the investigation interview confidential. Failure to cooperate fully with the investigator or other Middlebury official (including but not limited to providing false information, as described above) may subject the employee or student to the full range of disciplinary actions available to the supervising authority or responsible official in accordance with the program's existing policies and/or contracts, as applicable, up to and including termination of employment or suspension or expulsion from Middlebury.

The parties may retain legal counsel at any time, although legal counsel is not permitted to participate in Middlebury's investigation and adjudication process under this Procedure. Attorneys who wish to communicate about a case may contact Middlebury's legal counsel directly.

In cases where the student is a respondent, if at any point prior to or during the investigation and adjudication process, the HRO becomes aware that other Middlebury policies may have been violated in relation to the matter under investigation, these alleged policy violations may, where appropriate, also be resolved through the

investigation and adjudication process in this Procedure. The decision to investigate and adjudicate other alleged policy violations is within the sole discretion of the HRO. In all cases the parties will be notified if the HRO determines that additional alleged policy violations will be investigated and adjudicated in accordance with the procedures set forth herein.

c. The HROs, Civil Rights and Title IX Coordinator, Vice President for Academic Affairs/Dean of Faculty (“VPAA”), Human Resources Department, Vice President for Student Affairs and Dean of Students, Vice president for Academic Affairs and Dean of the Language Schools, Dean of International Programs, RDs, public safety staff, or other supervisory authority for the program at issue (or their designees) may also at any time take appropriate steps, including by way of example only, issuance of No Contact Orders, temporary changes in assignment of duties or housing, changes in class schedules or class requirements, or other accommodations, as appropriate, to protect complaining parties on an interim basis.

d. After the investigation is completed, the investigator shall issue a report to the adjudicating HRO, together with recommended findings, based on a preponderance of the evidence standard, i.e., whether it was more likely than not that the [Non-Discrimination Policy](#) (or other Middlebury policies, if applicable) was violated. The report may be issued orally or in writing depending on the nature and complexity of the information.

e. The adjudicating HRO is not bound by the investigator’s report. Rather, it is advisory to the HRO. The adjudicating HRO may accept or reject the investigator’s recommended finding in whole or in part, and may request additional relevant information before making a determination. The HRO should avoid duplicating the efforts of the investigator, as well as accepting the investigator’s recommended finding without careful review of all of the evidence.

f. Either party may choose to meet individually with the adjudicating HRO prior to the HRO’s determination. The HRO may also request an individual meeting with either party or any other person(s) as appropriate.

g. After review of the investigator’s report and recommended finding, the HRO shall issue a determination as to whether a violation of the [Non-Discrimination Policy](#) occurred. The HRO’s determination will be based on a preponderance of the evidence standard, and the HRO will reach a reasonable conclusion based on the evidence presented.

h. If the HRO finds that a staff or faculty member has engaged in conduct that violates the [Non-Discrimination Policy](#) the HRO will refer the matter to the appropriate supervisory authority (e.g., the Middlebury College VPAA or designee, Provost, the Middlebury Institute’s Chief Academic Officer or designee [“the Middlebury Institute’s CAO”], Vice President for Academic Affairs and Dean of the Language Schools, Dean of International Programs, in the case of a faculty member, as applicable to the program at issue, and/or the Middlebury College Human Resources Department, or the Middlebury Institute’s Human Resources Department, as applicable, in the case of a staff member) to take appropriate remedial measures. The supervisory authority may impose disciplinary action under existing policies and/or contracts, as applicable (e.g., verbal warnings, written warnings, written reprimands, or termination of employment), or other action as deemed appropriate under the circumstances.

i. If the HRO finds that a student has engaged in conduct that violates the [Non-Discrimination Policy](#) (or other Middlebury policies under investigation, if applicable), the HRO will refer the matter to the supervisory authority for the program in which the student is enrolled at the time of the misconduct and the supervisory authority for any other Middlebury program in which the student is or will be enrolled (e.g., the Vice President for Student Affairs and Dean of Students, Vice President for Academic Affairs and Dean of the Language Schools, Dean of International Programs, Dean of the Institute, Director of the Bread Loaf School of English, Director of the Bread Loaf Writer’s Conference, etc.), as applicable, for disciplinary action. Such disciplinary action could include warnings, written reprimands, probationary status, official college discipline, or suspension or expulsion from any or all Middlebury program(s) in which the student is or will be enrolled or participating, or other action as deemed appropriate under the circumstances (e.g. remedies applied to the respondent to address the needs of the complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders to favor the complainant, and

other actions to preserve the rights of the complainant to a discrimination-free environment). Additional non-disciplinary outcomes, such as extending and modifying mutual No Contact Orders, may also be imposed regardless of the finding.

If the conduct occurred during the course and scope of the student's employment at Middlebury, the matter will be referred jointly to the Human Resources Department and the appropriate supervisory authority for the program(s) at issue, as applicable, for disciplinary action up to and including termination of employment and expulsion from Middlebury, or other action as deemed appropriate under the circumstances (see above).

j. To the extent permitted by law, the complainant and respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to present witnesses and other evidence. However, the decision to interview particular witnesses or consider evidence offered by the parties is within the sole discretion of the HRO and/or investigator.

k. The complainant and respondent will ordinarily be notified of the HRO's determination as to whether there was a policy violation. In sexual harassment cases involving student complainants, both parties will be notified of the HRO's determination simultaneously in writing, to the extent permitted by law. However, information regarding discipline or sanctions will not be shared with any complainant under this policy except as permitted or required by law.<sup>[2]</sup>

### 3. Timely Investigation and Determination<sup>2</sup>

Middlebury works to resolve all complaints handled under this Procedure in a timely manner. The investigation will be documented, and the HRO will track the investigation for reasonable and timely progress. Both the complainant and respondent will be informed when the investigation is complete, a determination has been issued, and, where appropriate, a sanction has been imposed.

Middlebury will not wait for the conclusion of a criminal investigation or proceeding to begin its own investigation and resolve complaints under this policy. Middlebury will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, Middlebury may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. Once law enforcement has completed gathering evidence, Middlebury will promptly resume and complete its investigation. Middlebury may also take interim measures to ensure the safety and well-being of the complainant and the school community while law enforcement is gathering evidence.

### 4. Appeals<sup>2</sup>

In cases where the respondent is a student, the complainant and respondent each has the right to appeal the outcome under the circumstances described below. The right of appeal is only available to a respondent or complainant who participated in the investigative process.

The purpose of an appeal is to review the adjudication process.

Appeals are accepted on the basis of one or more of the following:

- discovery of significant new factual material not available to the HRO that could have affected the original outcome; however, prior omission of factual information that the appealing party knew or reasonably should have known is not a ground for an appeal;
- procedural error where the error prevented fundamental fairness;
- The HRO, investigator(s), or another decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

An appeal must be made in writing to the appellate officer for the program in connection with which the finding of responsibility was made. Therefore, an appeal must be directed to the VPAA (complaints against undergraduate students and complaints against MiddCore students), the Provost (complaints against Language Schools, Schools Abroad, Bread Loaf School of English, Bread Loaf Writers' Conference, and School of the Environment students) or the Middlebury Institute's CAO (complaints against Institute students), as applicable.

Appeals must be made within 5 days of receipt of notice of the HRO's determination and must include the grounds for appeal and an outline of any supporting evidence.

The Middlebury official responsible for hearing the appeal (i.e., VPAA, Provost, or the Middlebury Institute's CAO, as applicable) will invite an informational response to the appeal from the HRO and the other party (to the extent permitted by law), who may respond within 5 business days of the request. The Middlebury official may request assistance from the original investigator, or from a new investigator, or any other relevant individual, as necessary.

The Middlebury official may deny the appeal, or if one or more of the appeal grounds have been met, may:

- return the case to the original HRO for reconsideration; or
- appoint an alternate HRO to review the case, which will ordinarily occur when the original outcome was deemed to be affected by an official's bias.

It is the responsibility of the Middlebury official to determine which aspects of the case merit a new review, and to direct the HRO accordingly.

Absent extenuating circumstances, the Middlebury official will notify the complainant and respondent of the appeal decision simultaneously in writing within 15 days, to the extent permitted by law, and will notify the HRO in writing of instructions for any further action.

All decisions by the Middlebury official following a second review of the case are final.

## **5. Informal Resolutions/Disposition Prior to a Final Determination**

At all stages of the investigation and determination processes, Middlebury officials, when appropriate, may make available to complainants informal resolution options for resolving complaints. In assessing whether alternative dispute resolution is appropriate, Middlebury officials may consider factors such as, for example, (1) the nature of the allegations, (2) the agreement of the complainant and the respondent, (3) other relevant factors such as any disability of the complainant or the respondent, or any history of misconduct or other policy violations by the respondent. A complainant will not be required to engage in alternative dispute resolution and may end the alternative dispute resolution process at any time. If the complainant ends the alternative resolution process or if the process is either not appropriate or is unsuccessful, Middlebury officials shall continue to respond to the allegations in accordance with this Procedure.

If at any point before or during the investigation, a student respondent chooses to accept responsibility under this policy, the HRO may issue a determination and refer the matter to the appropriate supervisory authority for the program at issue in accordance with Section B.2.i., above. The supervisory authority may issue a sanction and/or take other action that is reasonably calculated to address the harassment or discriminatory conduct and prevent its recurrence.

## **6. Scope of Oversight (Students)**

Students will be held accountable for the Scope of Oversight provision in section II.B.2.a.iii. of the Handbook.

Middlebury retains sole discretion to determine whether to initiate an investigation and adjudication under this Procedure regardless of the outcome of any disciplinary proceeding conducted by a non-Middlebury institution

or program and/or the outcome of any law enforcement investigation or court proceeding.

In cases where a student is found responsible for a policy violation while participating in any Middlebury program, the finding of responsibility may also be referred to the appropriate authority overseeing any additional Middlebury program or other school or program in which the student is or will also be enrolled for other action as deemed appropriate (see also Section B.2.i., above). This may include but is not limited to: further investigation; additional adjudication under existing policies (using only information gathered in the first disciplinary process, or using subsequently gathered information, or both, as deemed appropriate by the overseeing authority); disciplinary action; or other remedies or processes deemed appropriate by the authority overseeing the additional Middlebury and/or other program or school in which the student is or will be enrolled.

## **7. Emergency Removals**

Middlebury's Emergency Removals Policy is found at section [I.C.3](#) of the Handbook.

## **8. Plans or Directives Issued by the Human Relations Officer**

In any case in which a finding of harassment, discrimination, or retaliation has been issued, violation of a plan or directive to address the harassment, discrimination, or retaliation may be grounds for further discipline.

## **9. Revisions & Complaints about the Civil Rights & TIX office**

The [Non-Discrimination Policy](#) and this Procedure may be amended from time to time; the policies and procedures published on Middlebury's Website should be consulted for any updates. Amended policies and procedures, as published through Middlebury's Website, shall supersede wholly any prior versions. Reasonable accommodations will be provided for persons with disabilities who need assistance in reviewing the [Non-Discrimination Policy](#) and this Procedure and/or filing or pursuing a complaint under this Procedure, upon request.

A student may file a complaint of discrimination, harassment, including sexual harassment, or related retaliation relating to the conduct of the HRO, Civil Rights and Title IX Coordinator, or investigator appointed under this policy with Miguel Fernandez, Chief Diversity Officer (802.443.5792; [fernande@middlebury.edu](mailto:fernande@middlebury.edu)), or the appropriate supervisory authority for the Institute, as appropriate given the program at issue. Faculty and staff may file complaints relating to the conduct of the HRO, Civil Rights and Title IX Coordinator, or investigator appointed under this policy with Miguel Fernandez, Chief Diversity Officer (802.443.5792; [fernande@middlebury.edu](mailto:fernande@middlebury.edu)). These officials may appoint an individual to serve as a special alternate HRO, as appropriate.

## **10. The Human Relations Officer and Record Keeping**

The HRO may keep confidential records or reports developed under this Procedure and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training. Information about the HRO is available at several college offices: Human Relations Office, [Civil Rights and Title IX Coordinator/Compliance Officer](#), [Vice President for Student Affairs and Dean of Students](#), Student Life deans, Vice President for Academic Affairs and Dean of the Faculty, Public Safety, Human Resources, program directors, and the Middlebury Institute's HROs.

## **11. Addendum (California Employees Only)**

California law has specific requirements for what must be set forth in a harassment/discrimination policy applicable to employees. In accordance with California's Fair Employment and Housing Act Regulations ("FEHA"), and in addition to the policy provisions set forth above, this addendum applies to faculty, staff and other employees who are employed by the Middlebury Institute of International Studies at Monterey, Middlebury's Language Schools at Mills College and any other Middlebury program that is located in California.

## 1. Definitions

### *Employees*

With respect to protections of individuals from unlawful harassment, the term "employee" shall include unpaid interns, volunteers, and persons providing services pursuant to a contract. With respect to protections of individuals from unlawful discrimination, the term "employee" shall include a person who serves in an unpaid internship or any other limited-duration program that provides work experience.

### *Discrimination*

Discrimination is defined as conduct directed at an individual based on their perceived or actual race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age (over 40), sexual orientation, or military and veteran status of any person and/or any other status or characteristic as defined and to the extent protected by law.

Discrimination is established if a preponderance of the evidence demonstrates that an enumerated basis (see above definition) was a substantial motivating factor in the denial of an employment benefit to that individual by the employer or other covered entity, and the denial is not justified by a permissible defense. This standard applies only to claims of discrimination on a basis above (see also Government Code Section 12940, subdivision (a)), and to claims of retaliation under Government Code section 12940 subdivision (h). A substantial factor motivating the denial of the employment benefit is a factor that a reasonable person would consider to have contributed to the denial. It must be more than a remote or trivial factor. It does not have to be the only cause of denial.

### *Harassment*

Harassment is defined as verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age (over 40), sexual orientation, or military and veteran status of any person and/or any other status or characteristic as defined and to the extent protected by law in the location where a particular program is operating, that has the purpose or effect, from the point of view of a reasonable person, of objectively and significantly:

1. undermining and detracting from or interfering with an individual's educational or work performance or access to Middlebury resources; or
2. creating an intimidating, hostile, or offensive educational, work, or living environment.

Harassment may include but is not limited to:

1. Verbal harassment, e.g., epithets, derogatory comments or slurs on a basis enumerated in the above;
2. Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual on a basis enumerated above;
3. Visual forms of harassment, e.g., derogatory posters, cartoons, or drawings on a basis enumerated above;  
or
4. Sexual favors, e.g., unwanted sexual advances, which condition an employment benefit upon an exchange of sexual favors.



*National Origin*

(a) National origin includes, but is not limited to, the individual's or ancestors' actual or perceived:

- (1) Physical, cultural, or linguistic characteristics associated with a national origin group;
- (2) marriage to or association with persons of a national origin group;
- (3) tribal affiliation;
- (4) membership in or association with an organization identified with or seeking to promote the interests of a national origin group;
- (5) attendance or participation in schools, churches, temples, mosques, or other religious institutions generally used by persons of a national origin group; and
- (6) name that is associated with a national origin group.

(b) "National origin groups" include, but are not limited to, ethnic groups, geographic places of origin, and countries that are not presently in existence.

(c) "Undocumented applicant or employee" means an applicant or employee who lacks legal authorization under federal law to be present and/or to work in the United States.

*Retaliation*

Retaliation against any individual because the individual has opposed discrimination or harassment on the basis of any protected category, has participated in the filing of a complaint, or has testified, assisted, or participated in any other manner in a proceeding in which discrimination, harassment, or retaliation has been alleged is prohibited.

Retaliation may include, but is not limited to:

- (1) threatening to contact or contacting immigration authorities or a law enforcement agency about the immigration status of the employee, former employee, applicant, or a family member (e.g., spouse, domestic partner, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, great-grandparent, grandchild, or great-grandchild, by blood, adoption, marriage, or domestic partnership) of the employee, former employee, or applicant; or
- (2) taking adverse action against an employee because the employee updates or attempts to update personal information based on a change of name, social security number, or government-issued employment documents.

*Prohibited Conduct (Coworkers, Third Parties, Supervisors and Managers)*

The law prohibits coworkers and third parties, as well as supervisors and managers, with whom the employee comes in contact from engaging in unlawful harassment, discrimination, or retaliation.

**2. Complaint Process**

Employees may complain orally or in writing. The complaint reporting process is described in more detail in Section B above. In addition to those procedures, the parties involved in a harassment, discrimination or related retaliation complaint will receive a designation of confidentiality, to the extent possible. Confidentiality will be kept by Middlebury to the extent possible, although Middlebury cannot promise absolute confidentiality.

When Middlebury receives allegations of misconduct under this policy, it will conduct a fair, timely, and thorough investigation and reach reasonable conclusions based on the evidence presented.

Supervisors must report any complaints of misconduct under this policy to a Human Relations Officer so that Middlebury can try to resolve the claim internally. (This provision does not preclude employees from filing

complaints with external agencies. See the Civil Rights and Title IX website for more information.).

If at the end of the investigation misconduct under this policy is found, appropriate remedial measures shall be taken.

The investigation will be documented, and the Human Relations Officer will track the investigation for reasonable progress.

### 3. Dissemination of the Policy

This addendum, along with the full text of Middlebury's [Non-Discrimination Investigations & Resolutions Procedure](#), will be disseminated to all California employees via email with an acknowledgement return form.

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## C. Policy on Consensual Relationships Between Faculty and Staff Members and Students<sup>2</sup>

The integrity and trust of the faculty-student relationship is central to Middlebury's educational mission. Amorous relationships, defined as any dating, sexual, or other romantic relationship of any length between a faculty member and a student, even if they are not directly in any advisory or teaching role, involve a power differential, and therefore raise serious questions about unfair grading or other imbalanced evaluation practices, conflicts of interest, favoritism and bias. These concerns have an adverse impact on the educational environment of other students, as well as the student directly involved.

A seemingly consensual relationship between any employee with a student may meet the legal definition of sexual harassment, as lack of mutual consent may be inferred from the power differential between the employee – whether faculty or staff – and a student. Accordingly, amorous relationships between all Middlebury employees – faculty and staff – and all students enrolled in any Middlebury program are prohibited.

In exceptional cases falling outside of the anticipated scope of this policy, such as a relationship between an employee and a graduate student in an unrelated Middlebury program, exemptions to this policy may be granted by the Vice President for Academic Affairs/Dean of Faculty ("VPAA/DoF"), or their designee(s), for faculty members, and the Vice President of Human Resources ("VPHR"), or their designee(s), for staff members. Any employee, whether faculty or staff, who wishes to request such an exemption, shall submit a written statement to the VPAA/DoF or the VPHR, as applicable, explaining the reasons for the request. The VPAA/DoF or the VPHR will consult with the student and then respond in writing to the faculty or staff member with their decision and any conditions of approval that may apply, as applicable.

Questions about this policy shall be directed to the VPAA/DoF for faculty, or the VPHR for staff.

If Middlebury receives information that a faculty or staff member has violated this policy, the procedures laid out in the applicable misconduct policy shall be followed. If the employee is found to have violated this policy, the faculty or staff member will be subject to all appropriate discipline, including termination, consistent with the procedures of the applicable policy.

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## D. Intellectual Inquiry and Debate<sup>2</sup>

Middlebury is a community of learners and as such recognizes and affirms that free intellectual inquiry, debate, and constructive dialogue are vital to Middlebury's academic mission and must be protected even when the views expressed are unpopular or controversial. Middlebury's [Non-Discrimination Policy](#) and this Procedure are meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including sex, sexual orientation, gender identity or expression, race, color, ethnicity, religion,



marital status, place of birth, ancestry, national origin, age, or disability, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Middlebury also recognizes that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. The "reasonable person standard" is to be used in judging whether harassment has occurred.

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## GLOSSARY

### Human Relations Officer

The Human Relations Officer ("HRO") is the administrator responsible for overseeing investigations and adjudicating complaints under this policy.

### Civil Rights and Title IX Coordinator

The Civil Rights and Title IX Coordinator is the administrator responsible for receiving initial complaints and concerns about any form of discrimination and/or harassment, as well as coordinating training, outreach, etc.

### Complainant

A complainant is usually an individual who has alleged a violation(s) of Middlebury's [Non-Discrimination Policy](#) that can be investigated and adjudicated under this Procedure. In some cases (such as, e.g., cases in which a person involved in an incident of an alleged policy violation does not wish to participate in the process but Middlebury decides that the alleged misconduct needs to be addressed), Middlebury may serve as the complainant or may pursue an investigation and adjudication under this Procedure without a designated complainant. In these cases, Middlebury may extend the full rights of the complainant as defined in this Procedure to affected parties as deemed appropriate by the HRO.

### Respondent

A respondent is an individual whose alleged conduct is being investigated to determine if it is in violation of the [Non-Discrimination Policy](#) or other Middlebury policies, if applicable. See also B.6.Scope of Oversight of this policy for more information.

### Confidential Resources

Confidential resources include the staff of the Parton Center for Health and Wellness, the staff of the Chaplain's office, Middlebury Safe and Confidential Advocates ("MiddSafe" [\[3\]](#)) or other medical, counseling, support or religious personnel and volunteers who are required by law to maintain confidentiality. For more information, see Section A.5. Confidentiality.

### No Contact Order

When harassment or other forms of interpersonal misconduct have been alleged, or when otherwise deemed appropriate under the circumstances, the vice president for student affairs and dean of students, vice president for academic affairs and dean of language schools, dean of international programs, RDs, Civil Rights and Title IX Coordinator, HRO, Public Safety staff, or appropriate supervisory authority for the program at issue may issue No Contact Orders to the persons involved, whether or not disciplinary action is taken. A No Contact Order is used to restrict encounters between individuals. While a No Contact Order in and of itself does not constitute discipline and will not appear in an employee's personnel file or on a student's disciplinary record, refusal to adhere to the order after written or verbal notification of its terms is prohibited and may result in disciplinary action.

### No Trespass Notice

A No Trespass Notice prohibits the presence of an individual on Middlebury property, or other properties on which Middlebury programs are occurring. No Trespass Notices are legally enforceable and may lead to the arrest of individuals in violation.

## Days

Unless otherwise noted, “days” indicates calendar days, regardless of whether the majority of Middlebury’s administrative offices are open. “Business days” indicates days on which the majority of Middlebury’s administrative offices are open, and generally connotes Mondays through Fridays.

# Appendix A: Civil Rights and Title IX Coordinator<sup>2</sup>

Inquiries concerning the application of Title IX may be referred to Middlebury’s [Civil Rights and Title IX Coordinator](#) or to the United States Department of Education Office for Civil Rights. The full text of Middlebury’s [Nondiscrimination Statement](#) is available at <https://www.middlebury.edu/pages/general/nondiscrimination>. Printed copies may be obtained from the offices of the Vice President for Student Affairs, the Student Life deans, the Civil Rights and Title IX Coordinator, human relations officer(s) or the supervisory authority for the program at issue. Reasonable accommodations will be provided for persons with disabilities who need assistance in reviewing Middlebury’s [Nondiscrimination Statement](#) and its Non-Discrimination policies and procedures.

The [Civil Rights and Title IX Coordinator](#) is the administrator responsible for coordinating Middlebury’s efforts to comply with and carry out its responsibilities under Title IX. The Civil Rights and Title IX Coordinator’s responsibilities include overseeing the process for handling all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Middlebury’s Human Relations Officers serve as the Civil Rights and Title IX Coordinator’s designees for the purposes of overseeing investigations and adjudicating sexual harassment and related retaliation complaints under this policy and sexual misconduct and related retaliation complaints under Middlebury’s [Non-Discrimination Policy](#). Middlebury’s Alternate Human Relations Officers serve in a similar capacity as the Title IX Coordinator’s designee(s) when the Human Relations Officers are unavailable or have a conflict of interest.

## Civil Rights & Title IX Coordinator

Butterfly Blaise Boire  
802.443.2147  
Service Building  
[bboire@middlebury.edu](mailto:bboire@middlebury.edu)

## Human Relations Officer

Thaddeus Watulak, J.D.  
802.443.5741  
Service Building  
[twatulak@middlebury.edu](mailto:twatulak@middlebury.edu)

<sup>[1]</sup> Everyone is entitled to report complaints of sexual harassment and sexual misconduct. Complaints should be made under the [Non-Discrimination Policy](#).<sup>2</sup>

<sup>[2]</sup> Disclosure of the sanction imposed on the respondent will be permitted in sexual harassment cases when the sanction directly relates to the complainant (e.g., No Contact Orders, building restrictions, classroom changes or where the respondent is prohibited from attending Middlebury for a period of time)<sup>2</sup>

[3] Middlebury's Vermont undergraduate campus program includes a confidential resource called [MiddSafe](#); for more information, see <https://www.middlebury.edu/offices/health/saoc/middsafe>

## B.1.b (1) TIX Investigation & Resolutions Procedure

- I. What This Procedure Covers
- II. Reporting Title IX Sexual Harassment
- III. Formal Complaints/Grievances & Pre-Investigation
- IV. Investigations
- V. Hearings and Determinations of Responsibility
- VI. Sanctioning
- VII. Appeals
- VIII. Admission of Responsibility
- IX. Informal Resolution
- X. Training of Individuals Conducting Investigations and Adjudications and Facilitating Informal Resolution Processes
- XI. Record Keeping
- APPENDIX A

### I. What This Procedure Covers

This Title IX Formal Grievance Procedure ("Procedure") applies to instances of Sexual Harassment (as defined by May 2020 U.S. Department of Education Title IX regulation) which occur on or after August 14, 2020. All references to Sexual Harassment within this Procedure are intended to apply to and comply with the definition of Sexual Harassment as defined by Department of Education in its Title IX regulation.

Middlebury may, in exceptional circumstances, vary from this Procedure. So long as such a variation is consistent with Title IX regulations and allows for fundamental fairness in the processes followed, variations from this process under those circumstances will not invalidate an outcome.

Except as otherwise specified herein, this Procedure applies to faculty, staff and students, as well as to others who participate or attempt to participate in Middlebury's programs and activities. This includes the undergraduate college, the Language Schools, the School of the Environment, MiddCore, Bread Loaf School of English, Bread Loaf Writers' Conference, and the Middlebury Institute of International Studies at Monterey ("the Institute"). [1] Faculty and staff are, together, referred to as "Employee" or "Employees" in this Procedure.

This Procedure applies to Sexual Harassment as defined by the Department of Education and as set forth in the [Non-Discrimination Policy](#) so long as the following conditions are met:

- (i) The alleged conduct was perpetrated against a person in the United States; and
- (ii) The alleged conduct took place within Middlebury's programs and activities, meaning that the conduct occurred in a location, at an event, or in a circumstance where Middlebury exercises substantial control over both the respondent and the context in which the conduct occurs, or in any building owned or controlled by a student organization recognized by Middlebury; **and**, the Complainant is participating in or attempting to participate in Middlebury's programs or activities.

Conduct that occurs off campus in locations or at events without direction or control by Middlebury does not meet the definition of occurring in "a program or activity of Middlebury". Such conduct may be prohibited under other Middlebury policies, including the Non-Discrimination Policy provisions addressing forms of discrimination other than Title IX Sexual Harassment, and is addressed using different procedures. Only

behavior meeting the definitional requirements of this section will be addressed utilizing this Procedure. Where a complaint alleges other Middlebury policy violations arising out of the same facts and circumstances as allegations that must be addressed utilizing this Procedure, Middlebury may, in its discretion, address those other alleged violations through this Procedure.

Conduct that occurred prior to August 14, 2020 will be investigated and adjudicated consistent with the procedures detailed in the [SMDVS Policy](#) and/or the [Anti-Harassment/Discrimination Policy](#) in effect during Academic Year 2019-2020, prior to the August 14, 2020 effective date of the Department of Education's May 2020 regulations. However, informal or "adaptable" resolutions may be available to address concerns about alleged conduct under the [Non-Discrimination Policy](#) regardless of the date it occurred.

## II. Reporting Title IX Sexual Harassment

**In order to fulfill its commitment to fostering a safe and inclusive learning environment, Middlebury values reporting of all types of sexual harassment, which includes sexual assault.** Any person who believes that they have been subject to Title IX Sexual Harassment, or who has reason to believe that Title IX Sexual Harassment has occurred or is occurring, should report this information to the immediate attention of the Civil Rights and Title IX ("CRTIX") Coordinator. The CRTIX Coordinator is:

Butterfly Blaise Boire  
Civil Rights and Title IX Coordinator  
Middlebury College  
Service Building, Room 213  
84 S Service Rd  
Middlebury, VT 05753  
(802) 443-2147  
[bboire@middlebury.edu](mailto:bboire@middlebury.edu)

A report or complaint may be made verbally (in person, by phone, or videoconferencing) during applicable business hours, or in writing (via mail or email) 24 hours per day, 7 days per week. You may also report using the online reporting tool at [go/report](#). Please note that while a report may be made anonymously, this will limit Middlebury's ability to take action to provide supportive measures or to address the situation.

### Which Middlebury Employees Must Report Sexual Harassment?

**With the exception of certain persons designated as "Confidential Resources," as described below, all Middlebury employees must report any incident that could constitute Sexual Harassment involving a Middlebury student, employee or other covered person, to the CRTIX Coordinator and/or an HRO.** The report should include relevant details about the incident of which they are aware, including the names of the parties, any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident. To the extent possible, information reported will be shared with others only to the extent necessary to respond to the situation and support the parties and in accordance with state and federal law. Examples include individuals who are responsible for processing, investigating, adjudicating, and responding to sexual misconduct, domestic and dating violence and misconduct, stalking and/or related retaliation reports; deans; program directors; supervisors; Human Resources staff; and Department of Public Safety or other campus security personnel who are responsible for reporting campus crime statistics and issuing timely warnings under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## A. Who Are Confidential Resources?

Confidential Resources include the staff of the Parton Center for Health and Wellness, the staff of the Chaplain's office, Middlebury Safe and Confidential Advocates ("MiddSafe") [\[2\]](#) or other medical, counseling, support or religious personnel and volunteers who are required by law to maintain confidentiality.

Middlebury encourages individuals to use confidential services. Individuals who seek those services should understand that confidentiality is not absolute and that those resources may have ethical or legal obligations to report certain information to others. As one example, Confidential Resources are typically obligated under state law to report instances of child abuse.

## B. Participation and Cooperation<sup>2</sup>

All members of Middlebury's community covered by the Non-Discrimination Policy and identified in connection with an investigation under this Procedure are expected to cooperate and provide complete, accurate, and truthful information. Middlebury prohibits intentionally making a false report or providing false or misleading information in any investigation under this Procedure. Complainants will not be deemed to have provided false or misleading information under this Procedure if their factual allegations are intended to be truthful and are made in good faith, regardless of whether the conduct complained of is ultimately found to constitute a policy violation.

Witnesses may be expected to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of the investigation interview confidential.

## C. Supportive Measures (Previously called "Interim Measures")<sup>2</sup>

*Supportive measures* are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include but are not limited to:

- counseling;
- academic accommodations, such as extensions of deadlines or other course-related adjustments, course changes or late drops, or other arrangements as appropriate (see the Academics: Course Registration and Conduct of Courses and Grades and Transcripts sections of the Handbook for more information);
- modifications of work or class schedules;
- campus escort services;
- mutual restrictions on contact between the parties;
- Residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- changes in work locations;
- leaves of absence;
- increased security and monitoring of certain areas of the campus;
- Changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- Assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable (see Appendix C for a list of resources);
- No Trespass Notices prohibiting the presence of an individual on Middlebury property, and/or other properties on which Middlebury programs are occurring;
- Informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from United States courts or courts outside of the United States as applicable, and providing assistance if the individual wishes to do so. Middlebury will also work with complainants and others as appropriate to respect and implement the requirements of such orders on premises that it owns or controls, as necessary and appropriate;
- and other similar measures.

It is not necessary to file a complaint with Middlebury, participate in an adjudication process, or file a criminal complaint in order to request supportive measures from Middlebury.

Where a complainant reportedly subjected to Sexual Harassment makes a request for supportive measures like those described above, Middlebury will consider the request and provide those Supportive measures which are reasonably available and reasonably allow for the preservation or restoration of access to or participation in Middlebury programs.

Students or employees seeking supportive measures should direct their request to the CRTIX Coordinator, HROs, Human Resources, dean, or program director, as appropriate. The request will be evaluated and responded to by the CRTIX Coordinator or designee (e.g. HROs, Student Life Dean, or program director) after consultation, as needed, with the appropriate authority or authorities for the school or program at issue. The CRTIX Coordinator is ultimately responsible for coordinating the effective implementation of supportive measures. Factors to be considered in determining whether to provide certain supportive measures may include the following:

- the specific need expressed by the party;
- the severity and/or pervasiveness of the allegations;
- any continuing effects on the party;
- whether the parties share the same residence hall, dining hall, class, extracurricular activities, transportation and/or job location;
- whether other judicial measures have been taken to protect a party or the parties; and.
- whether other measures are reasonably available to support the individual.

Middlebury will maintain as confidential any supportive measures provided to a party, to the extent that maintaining such confidentiality would not impair the ability of Middlebury to provide the supportive measures. As such, Middlebury may need to disclose some information about the individual to a third party to provide the supportive measures in a timely manner. The following individuals are typically responsible for determining what information should be disclosed and to whom it should be disclosed: CRTIX Coordinator, an HRO, dean, Public Safety officer or program director. The decision to disclose information will be made after careful consideration of possible alternatives to disclosure and/or limiting the information provided to the third party as much as possible without compromising Middlebury's ability to provide the supportive measures.

## **D. Emergency Removal and Administrative Leave**

Nothing in this Procedure limits Middlebury's rights to terminate or suspend the employment of any staff or faculty member under otherwise-applicable Middlebury policies, practices, contracts, or procedures.

### **1. Emergency Removal**

Where there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged Title IX Sexual Harassment, Middlebury can remove a respondent from its education program or activity (which may include removing an employee respondent from their employment at Middlebury) and issue any necessary related no-trespass and no-contact orders. Middlebury will make the decision to remove a respondent from its education program or activity based on an individualized assessment and risk analysis. If Middlebury makes such a decision, the respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

### **2. Administrative Leave for Employees**

Middlebury may place employee respondents (non-students) on paid administrative leave during the pendency of an investigation and resolution process as outlined below. Middlebury reserves the right to place an employee respondent (non-student) on unpaid administrative leave during the pendency of an investigation and resolution

process. In those instances in which Middlebury determines that an administrative leave will be unpaid and the respondent was not offered the opportunity to challenge the suspension without pay before it was imposed through some other process, the respondent may present a written challenge regarding the need for or the adequacy of the unpaid administrative leave to the CRTIX Coordinator. Once a written challenge of unpaid administrative leave is received, the CRTIX Coordinator will involve the relevant Middlebury leadership, which may include Human Resources and/or department leaders, and schedule a virtual or in-person meeting with the respondent prior to making a determination.

## **E. Options to Pursue Criminal or Legal Actions (Reporting Outside of Middlebury)🔗**

### **1. Criminal Complaints🔗**

Any student or employee may pursue criminal charges with local, state, or federal law enforcement agencies. Middlebury will offer and, upon request, provide assistance to individuals covered under this procedure with notifying law enforcement agencies. These options are available regardless of whether an individual chooses to file a complaint with Middlebury. Individuals have the option to notify such agencies with or without assistance from Middlebury, and have the option not to personally notify such authorities.

### **2. Orders of Protection🔗**

Middlebury does not have the authority to issue Relief From Abuse Orders, Orders of Protection or Restraining Orders as these are granted by the court system. Individuals who have experienced Title IX Sexual Harassment may be eligible to pursue Orders of Protection, Restraining Orders and/or Relief from Abuse Orders from courts in the United States or courts outside of the United States as applicable. Middlebury will offer its support to individuals if they request Middlebury's assistance with making contact with law enforcement authorities and other external resources to seek such orders. Middlebury will respect such orders to the extent applicable.

### **3. Assistance by Middlebury🔗**

Requests for assistance with contacting law enforcement authorities or obtaining an Order of Protection, a Relief from Abuse Order, a Restraining Order or other lawful order may be made in person, via email, phone or teleconference to the CRTIX Coordinator, an HRO, or Public Safety. For additional information regarding making reports to the police and/or obtaining an Order of Protection, Restraining Order, or Relief from Abuse Order.

## **III. FORMAL COMPLAINTS/GRIEVANCES & PRE-INVESTIGATION🔗**

In addition to the reporting options and access to supportive measures addressed above, a complainant may file a formal written complaint alleging Title IX Sexual Harassment against a respondent and requesting that Middlebury investigate the allegation. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in Middlebury's programs or activities. A formal complaint may be filed with the CRTIX Coordinator in person, by mail, or by electronic mail, by using the contact information contained in Section II, above.

### **A. Pre-Investigation: Determinations of Applicable Procedures, Dismissals, Transfers and Appeals of Such Determinations🔗**

1. Middlebury will investigate alleged Title IX Sexual Harassment where a complainant submits a signed or electronically submitted formal complaint to the CRTIX coordinator, requests an investigation, and the signed written complaint meets the requirements of this section. In cases where the complainant does not wish to submit a formal complaint but the CRTIX Coordinator decides in their discretion to sign a complaint and initiate an investigation and resolution process, the CRTIX Coordinator will not be a complainant or otherwise a party to the matter. Middlebury will terminate the Title IX Sexual Harassment Investigation if a complainant notifies the CRTIX Coordinator in writing that the complainant would like to withdraw the formal complaint.

2. When a complainant requests an investigation,

(a) the CRTIX Coordinator will, promptly upon receipt of a report, determine whether:

i) the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., *Quid Pro Quo* Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or sex-based Domestic Violence, Dating Violence or Stalking) as defined in the Non-Discrimination Policy as Title IX Sexual Harassment;

ii) the conduct allegedly occurred in Middlebury's education program or activity; and

iii) the conduct allegedly occurred in the United States.

(b) the CRTIX Coordinator/HRO or designee may gather additional information as appropriate before making the determinations required by part (a) of this subsection. During any such initial inquiry, all individuals are expected to cooperate.

3. If some but not all of the conduct alleged in the complaint satisfies all 3 of these elements and a formal complaint is received from a complainant or signed by the CRTIX Coordinator, Middlebury may choose to address the entire matter through this Title IX Sexual Harassment Procedure (that is, it will as required by federal regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may, to promote efficiency or for other compelling reasons, choose to follow this Title IX Sexual Harassment Procedure to address other prohibited conduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process).

4. If it appears based upon initial review or upon information gathered during an investigation that the matter does not satisfy and/or no longer satisfies all 3 of these elements, Middlebury will, as required by Title IX regulations, dismiss the matter from the Title IX Sexual Harassment Procedure, and will transfer it for handling under the Non-Discrimination Investigation and Resolutions Procedure or other Middlebury procedures, as deemed appropriate by Middlebury.

5. Even if the allegations of a matter fall within the definition of Title IX Sexual Harassment, Middlebury may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by Middlebury; or
- Specific circumstances prevent Middlebury from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

6. If a formal complaint is dismissed by Middlebury under the circumstances described above, Middlebury will simultaneously provide to the parties written notice (by electronic or other means) of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the Title IX Sexual Harassment appeal procedures outlined below.



7. If the respondent is a Student and an Employee, the CRTIX Coordinator will determine which procedures apply based upon the facts and circumstances, such as whether the respondent's status as a Student or an Employee predominates in the context of the Prohibited Conduct. If a Student-Employee is found to have engaged in Prohibited Conduct, the Student-Employee may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under these and other applicable procedures.

### **Additional Policy Violations:**

1. If the CRTIX Coordinator/HRO becomes aware, at any point prior to or during the investigation and adjudication process, of additional allegations against the respondent that, if proven, could constitute violations of other non-academic policies, including harassment or discrimination investigated under Middlebury's Anti-Harassment/Discrimination Policy, these allegations may, at Middlebury's discretion, be investigated and adjudicated in accordance with the procedures set forth herein. In matters involving Employees, where the CRTIX Coordinator/HRO becomes aware of additional allegations of violations of Middlebury Policy, those concerns will be reported to the Employee's appropriate supervisory authority (e.g., VPAA/dean of the Faculty, VPAA/dean of the Institute, VPAA/dean of the Language Schools, Executive Vice President/Provost), who, in consultation with Human Resources, will consider whether and how to proceed under the relevant Faculty Handbook or Employee Handbook procedures and/or applicable contracts or policies.

2. If one party alleges that another party violated a No Contact Order (NCO) or No Trespass Notice (NTN) and makes the allegations at a time when they can be evaluated during an ongoing Title IX Sexual Harassment investigation/adjudication or after the Title IX Sexual Harassment investigation/adjudication process has been completed, the HRO or HRO's designee will determine how to proceed.

3. If the HRO does not assume jurisdiction, the allegations may be addressed through Middlebury's conduct process for the appropriate school or program, or through the appropriate employment process. Alternatively, the HRO may designate an appropriate Middlebury official(s) to oversee and/or conduct an investigation and adjudicate the matter. If a violation of a NCO or NTN is found, the matter will be referred to the appropriate supervisory authority for discipline and/or other appropriate action in accordance with existing handbook policies.

4. If the HRO assumes jurisdiction over the allegations and deems an investigation to be necessary, the HRO will determine the scope, process, and timeline of the NCO/NTN investigation and adjudication, which may not necessarily follow the procedures outlined in this Title IX Investigation & Resolutions Procedure, if the HRO determines that using other procedures is more appropriate. The HRO has the discretion to determine whether an advisor of choice may be present at any processes or meetings related to an NCO/NTN investigation, depending on the circumstances. Both parties will have an opportunity to review and respond to all evidence relevant to the NCO/NTN investigation according to a timeline established by the HRO. The HRO will make a finding and will refer the matter to the appropriate sanctioning authority if a violation is found. Should the HRO determine that an NCO/NTN violation may also constitute retaliation, the parties will be notified in writing that retaliation will be added to the policies under consideration in the Title IX Sexual Harassment investigation or be part of a subsequent investigation, as applicable.

5. In all cases the parties will receive written notification if the CRTIX Coordinator/HRO determines that additional possible policy violations will be investigated and adjudicated in accordance with the Title IX procedures set forth herein or through a different set of procedures.

## **B. Bias<sup>2</sup>**

If either party is concerned that an official involved in the investigation or adjudication (such as, for example, an investigator, CRTIX Coordinator, or HRO) may be biased or have a conflict of interest, the party should share their concerns immediately. Concerns of this nature about the investigator should be shared with the CRTIX Coordinator; concerns about the CRTIX Coordinator or an HRO should be shared with the Chief Diversity

Officer. The official with whom the concern is shared will consider the concern and inform the parties of a decision as to whether any related action is appropriate and whether an alternate will be appointed. If an alternate investigator, HRO, or CRTIX Coordinator is appointed, the alternate shall have the same authority as the originally designated official.

## C. Additional Procedures for Dismissed Complaints.↻

If the CRTIX Coordinator dismisses a complaint under subsections (A)(1) or (A)(6) of this Part III, the CRTIX must promptly:

1. inform the parties that the dismissal is appealable in accordance with the appeal provisions described in this Procedure, below; and
2. consider whether the conduct alleged, if proved, would constitute a violation of Middlebury policy that should be investigated and adjudicated in accordance with another Middlebury policy, and initiate applicable procedures accordingly.

## IV. INVESTIGATIONS↻

### A. Investigations Procedure↻

#### 1. General Investigation Provisions

As required by the 2020 Title IX regulations, in investigations conducted under this Procedure, the following provisions will apply:

- The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Middlebury and not on the parties;
- Parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence; and
- When a party is invited or expected to attend a hearing, investigative interview, or other meeting, they will receive written notice of the date, time location, participants, and purpose of such a hearing, investigative interview or meeting, with sufficient time for the party to prepare to participate.

#### 2. Initial Notice of Investigation

When Middlebury initiates an investigation under this Procedure it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about Middlebury's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Title IX Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding Middlebury's presumption of good faith reporting and a summary of false complaint information outlined below;
- Notification that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and

- Notification that the parties may inspect and review evidence during the investigation and resolution process, as provided below.

If, in the course of an investigation, Middlebury decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

### 3. Consolidation of Formal Complaints

Middlebury may consolidate formal complaints of Title IX Sexual Harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such Title IX Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

### 4. Disabilities

Students registered with the [Disability Resource Center](#) can request accommodations to ensure their full and equal participation in any conduct process and/or proceeding. Accommodation requests may be made directly to the CRTIX Coordinator. Accommodations are determined on an individual basis in consultation with the ADA Coordinators. Employees with disabilities may contact Human Resources.

## B. Conduct of the Investigation

1. The CRTIX Coordinator will appoint an investigator. In selecting the investigator for a particular matter, the CRTIX Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. The CRTIX Coordinator will notify the parties of the identity of the investigator and parties may, within three calendar days of such notice, object to the appointment of the investigator by providing a written statement (which may be transmitted electronically) as to why the party believes that the investigator has a conflict of interest or bias. The CRTIX Coordinator will make decisions regarding such objections and the appointment of an alternate investigator, as necessary.
2. The investigator is authorized to contact any and all individuals who may have relevant information. The nature and scope of the investigation is within the discretion of the investigator. The investigator is authorized to access relevant records, except those legally protected as confidential or privileged, and may collect any additional evidence relevant to the complaint. Middlebury recognizes, however, that individuals who are bound by legal privileges may not be able to disclose privileged information, unless an exception applies. The investigator will not access, consider, disclose or otherwise use a party’s privileged records without the party’s voluntary, written consent to do so, and such information will not be deemed relevant to an investigation or adjudication absent the voluntary, written consent of the party.
3. The complainant and respondent will be asked to identify, preserve and submit all evidence pertaining to the matter under investigation, and to identify witnesses they believe may have relevant testimony to share. The investigator is not required to consider particular evidence submitted or interview any particular witness, even if identified by one of the parties.
4. All participants in the investigation are expected to provide complete, accurate, and truthful information.

## C. Preliminary Report

1. After the complainant and the respondent have had the opportunity to make their own statement and to identify witnesses and other potential information, and the investigator has completed witness interviews and the gathering of evidence, the investigator will prepare a preliminary report.
2. Middlebury will provide each party with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised, including the evidence upon

which Middlebury does not intend to rely in reaching a determination regarding responsibility and/or which the investigator does not deem relevant, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Such evidence will not include privileged records or information that may have been gathered or received during the investigation, absent written consent from the party holding the privilege.

3. Middlebury will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.
4. Parties and advisors are not permitted to download, print or copy such evidence subject to inspection and review, and are not permitted to re-disclose such evidence without Middlebury's permission. Parties and advisors will be required to sign an acknowledgment form indicating that they understand these prohibitions. Violations of these prohibitions may subject parties to Middlebury discipline under applicable conduct codes.
5. The complainant and the respondent will have an opportunity to review the preliminary report within the same time period and provide written responses to the report. The complainant and the respondent must submit any comments, feedback, additional documents, evidence, suggested questions for individuals interviewed, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator, including additional documents or other evidence, within 10 calendar days after the preliminary report is sent to them for review. The parties' written responses will be considered by the investigator prior to completion of the final investigative report, and some or all of the responses may be attached or otherwise incorporated into the final investigative report.
6. In the event that new, relevant information is provided or identified at this stage, the information will be incorporated into the preliminary report as deemed appropriate by the investigator, and the complainant and the respondent will be provided a second opportunity to review and provide a written response regarding the new information, which the investigator will consider prior to completion of the final investigation report. Identification of new and relevant information after the parties' review of the preliminary report is likely to extend the time frame of the investigation.

## **D. Final Investigative Report** ↻

1. After considering any written response submitted by either party, or after the 10 calendar day comment period has lapsed without receiving a written response or responses, the investigator will address any relevant issues identified by the complainant and/or the respondent, and as appropriate, pursue any additional investigative steps as needed. The final investigative report will be reviewed for completeness by the CRTIX Coordinator or one HRO (not the hearing officer) before it is issued.
2. The final investigative report created by the investigator will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator;
3. The final investigative report will include the investigator's recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue;
4. At least 10 days prior to the hearing referenced below, Middlebury will send to each party and the party's advisor, if any, the final investigative report and exhibits in an electronic format or a hard copy, for their review and written response; and
5. The final investigative report and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing.

## **V. Hearings and Determinations of Responsibility** ↻

### **A. In General** ↻

Live hearings will be provided as required by the 2020 Title IX regulations. At the request of either party, Middlebury will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering

questions. Live hearings may be conducted with all parties physically present in the same location or, at Middlebury's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

## **B. Hearing Officers**↻

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the respondent violated the policy provisions at issue. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

Hearing officers, ordinarily one of Middlebury's HROs, will be appointed by the CRTIX Coordinator. In selecting a hearing officer for a particular matter, the CRTIX Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. Middlebury will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within 3 calendar days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The CRTIX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.

## **C. Advisors**↻

Each party may have an advisor of their choice present at a hearing for the limited purpose of conducting cross-examination on behalf of that party. Advisors are not required to be attorneys, but attorneys are permitted to serve as advisors. If a party does not have an advisor of their choice present at a hearing, Middlebury will without fee or charge to the party provide an advisor of Middlebury's choice, for the limited purpose of conducting cross-examination on behalf of that party. No later than 10 calendar days before the hearing, parties should inform the CRTIX Coordinator of the identity of any advisor of choice who will accompany them to the hearing, so that Middlebury will know whether or not it needs to arrange for the presence of a Middlebury-provided advisor, even if the party declines to attend the hearing.

At a time and manner deemed appropriate by the hearing officer, the advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Advisors must comply with the conduct expectations for hearings. Except for the limited role of asking cross-examination questions, advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. Middlebury reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the appointment of an alternate Middlebury-provided advisor.

## **D. Middlebury Faculty and Staff as Advisors**↻

A Middlebury faculty or staff member who agrees to serve as an advisor to a complainant or respondent is not an agent of Middlebury when acting in that capacity and does not speak or act on Middlebury's behalf while serving as an advisor. The relationship between a party and their advisor for the TIX Sexual Harassment hearing is not confidential (or privileged), and the faculty or staff member's duties to Middlebury—including all reporting obligations—remain intact. Before agreeing to serve as an advisor, faculty and staff members should evaluate

whether any conflict or potential conflict of interest may warrant their declining the invitation to serve as an advisor. In addition, only licensed attorneys can provide legal advice. Parties seeking legal advice should consult their attorney.

## **E. Requests for Appearance of Witnesses**

If a Party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the CRTIX Coordinator or designee at least 10 calendar days before the date of the hearing. The CRTIX Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the CRTIX Coordinator or designee will inform the witness that their presence at the hearing is expected. These provisions apply equally to both fact and expert witnesses.

## **F. Conduct of Hearings and Relevance**

### **A) Report to be provided to Hearing Officer**

At or before the hearing, the hearing officer will receive a copy of the investigative report, any attachments thereto, and copies of the parties' written responses to the investigative report, if any, which will be part of the information of record to be considered by the hearing officer to the extent appropriate in light of the rules regarding evidence to be considered that are outlined below.

### **B) General Order of the Hearing**

(i) Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer to explain the process, followed by a brief opening statement from any party who wishes to provide one, followed by the hearing officer's asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing.

(ii) After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party's advisor to ask the other party all relevant questions and follow-up questions, including those challenging credibility. Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties' advisors will be permitted to ask relevant questions of witnesses. In accordance with the 2020 Title IX regulations, such cross-examination by advisors will be conducted orally, and in real time by the party's advisor of choice and never by a party personally.

(iii) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors are not permitted to object to hearing officer decisions regarding relevance during a hearing.

(iv) The evidence gathered throughout the investigation will be made available at the hearing, and each party and/or their advisor (as applicable) will have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

(v) At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

### **C) Evidence**

(i) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted, except for the limited circumstance where such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

(ii) Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), are not relevant unless the person holding the privilege has waived the privilege in writing and the hearing officer determines it is relevant.

(iii) If a party or witness does not submit to cross-examination at the live hearing, the hearing officer will only consider any statement of that party or witness in reaching a determination regarding responsibility to the extent permitted by the law, Title IX regulations and/or U.S. Department of Education guidance that apply or applies as of the time of the hearing. The hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

## G. Record of Hearings

Middlebury will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

## H. Determinations Regarding Responsibility

Within a reasonable time, the hearing officer (and if necessary the sanctioning authority, as provided below) will prepare and issue a written determination regarding responsibility and a recommendation on sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of Middlebury's Non-Discrimination Policy alleged to have been violated
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held
- Findings of fact supporting the determination
- Conclusions regarding the application of definitions of Title IX Sexual Harassment in Middlebury's Non-Discrimination Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
- Identification of Middlebury's procedures and permissible bases for the Complainant and Respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that Middlebury provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination and, if necessary, any sanctions as determined through the procedures outlined below.

## VI. Sanctioning

1. If the hearing officer finds that the respondent engaged in behavior that violates Middlebury policy, the CRTIX Coordinator will, in accordance with this Procedure, forward the case to the appropriate supervisory authority for the program at issue (“sanctioning authority”), who will assign a sanction or sanctions, and other actions as appropriate. The hearing officer and the sanctioning authority will collaborate on the creation of a single written determination that will include the hearing officer’s statement and rationale regarding responsibility as described in more detail above, a statement of and rationale for any disciplinary action Middlebury is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the educational program or activity of Middlebury will be provided by Middlebury to the complainant.

In determining the sanction or sanctions and/or other actions, the sanctioning authority will be guided by a number of considerations, including but not limited to the following:

- The severity, pervasiveness and/or objective offensiveness of the behavior;
- The nature of the Title IX Sexual Harassment;
- The impact of the Title IX Sexual Harassment on the complainant;
- The impact or implications of the Title IX Sexual Harassment within the Middlebury community;
- Any prior misconduct by the respondent, including the respondent’s relevant prior conduct history, at Middlebury or elsewhere;
- Whether the respondent has accepted responsibility for the Title IX Sexual Harassment;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to living, learning, and/or working, as applicable; and
- Any other mitigating, aggravating, or compelling factors.

When a student respondent is found responsible for sexual assault, suspension or expulsion are the likely outcomes.

2. Sanctions and other actions will go into effect at either the expiration of the deadline for the submission of an appeal where no appeal is submitted, or at the conclusion of the appeal process if applicable. This language does not preclude the possibility of emergency action as needed; please see Section II.D, Emergency Removals and Non-Student Administrative Leave.

3. If the hearing officer finds conduct that violates the Non-Discrimination Policy (or other Middlebury policies under investigation), the CRTIX Coordinator will provide the case materials to the appropriate supervisory authority or authorities (e.g., for students: the Vice President for Student Affairs at the College, the Dean of the Language Schools, the Dean of Enrollment, Advising and Student Services at the Institute, the Dean of the Bread Loaf School of English, etc.; for staff, that staff member’s supervisor, and for faculty, the Provost). When multiple supervisory authorities are involved in assigning sanctions, they may collaborate with each other as appropriate.

After a review of the case materials and the hearing officer’s recommendation regarding sanctions, the supervisory authority may impose disciplinary sanctions. Sanctioning and appeals for faculty whose primary appointment is in the undergraduate college will follow the procedures for Middlebury College faculty, regardless of the program for which the individual was employed at the time of the incident.

Sanctions for Prohibited Conduct could include written reprimands, probationary status, letters of official discipline, and/or suspension, expulsion, reassignment of duties, referral to other disciplinary processes, or termination from employment from any or all Middlebury program(s). Students should note that although sanctions for violation(s) of this policy can include any form of discipline as stated in this section, those found to have committed sexual assault will most likely receive a sanction of suspension or expulsion. Middlebury may also take other non-disciplinary action as deemed appropriate under the circumstances (e.g., remedies applied to the respondent to address the needs of the complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders to favor the complainant, and other actions designed to restore or preserve the complainant’s equal access to Middlebury’s educational program or activity). Middlebury may also provide notice of the matter to the appropriate supervisory authority of any Middlebury program in which the respondent intends to participate, who may



consider this information in determining the respondent's admission to the program and/or other program participation parameters, as appropriate. Notification of a finding of responsibility, sanction, or other action under this policy may also be provided to the home institution of non-Middlebury undergraduate and graduate students or any other program in which the student is enrolled or to which the student is pursuing enrollment.

4. If the hearing officer finds that a **faculty member** has engaged in conduct that violates this policy, or other Middlebury policies under investigation, if applicable (absent or following an appeal of that finding in accordance with paragraph G3, above, if an appeal was granted), the CRTIX Coordinator and/or HRO will provide the case materials to the appropriate supervisory authority for the program at issue (e.g., the Middlebury College VPAA/Dean of Faculty, VPAA/Dean of the Institute, Vice President of the Language Schools, Dean of International Programs or Executive Vice President/Provost). The supervisory authority will refer the matter for separate procedures that may result in the imposition of appropriate disciplinary action according to the procedures in existing Faculty Handbook policies and/or contracts, as applicable. Disciplinary sanctions under this policy may therefore include written reprimands, salary freeze, termination of employment, reassignment or restriction of duties, and/or referral to separate procedures that govern employment status issues.

5. In any case in which a finding of sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation has been issued, violation of a plan or directive to address the prohibited conduct or related sanction may be grounds for further discipline.

## VII. Appeals<sup>2</sup>

Either party may file an appeal from: 1) a determination regarding responsibility; and/or 2) the CRTIX Coordinator's dismissal of a formal complaint or any allegations therein from the Title IX Sexual Harassment process, solely on the basis of one or more of the following circumstances:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that could affect the outcome of the matter and that was not reasonably available at the time the determination regarding responsibility or dismissal was made has become available; and/or
- The CRTIX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

Regardless of which party appeals, both parties may participate in the appeals process. Middlebury will provide written notification to the complainant and the respondent of any applicable appeal procedures at the time they receive the written determination regarding responsibility and any sanctions.

An appeal must be made in writing to the appropriate appellate officer, which are:

### 1. Students:

- a. Undergraduate College students (including non-Middlebury students enrolled in Middlebury summer undergraduate courses): **VPAA/Dean of Faculty or designee**
- b. Middlebury Institute students: **VPAA/Dean of the Institute or designee**
- c. All other students in any other program: **Executive Vice President/Provost or designee**

### 2. Staff: **VP of HR**

### 3. Faculty: **Executive Vice President/Provost or designee**

An appeal must articulate one of the three bases above and provide information to support the appealing party's argument. Appeals must be filed no later than 5 business days after the date on which Middlebury transmitted the hearing officer's written determination to the parties. The CRTIX Coordinator or appellate officer may extend this deadline if warranted by the circumstances. Middlebury reserves the right to assign an alternate appellate

officer to avoid a conflict of interest or bias. The appellate officer will not be the same person as the hearing officer, the investigator, the CRTIX Coordinator, or a person who made a decision to dismiss a formal complaint.

Middlebury will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The other party may then have a period of 5 business days to submit a statement in support of the written determination and/or in opposition to the appeal. Any such statement will be shared with the party who filed the appeal and their advisor.

The appellate officer will issue a written decision describing the result of the appeal and the rationale for the result; and Middlebury will provide the written decision simultaneously to both parties. The appellate officer's decision on any appeal is the final step in the adjudication process, unless the appellate officer provides otherwise as discussed below.

The appellate officer may uphold the determination by the sanctioning authority, or modify the determination by the sanctioning authority or return the case to the original hearing officer (or an alternate, if warranted) in the event that the appellate officer concludes that either (1) a procedural irregularity affected the outcome of the matter; (2) new evidence that could affect the outcome, and which was not available at the time of the determination, has become available; or (3) a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

It is the responsibility of the appellate officer to determine which if any aspects of the case merit a new review, and to direct the CRTIX Coordinator accordingly.

Absent extenuating circumstances, the appellate officer will notify the complainant and respondent of the appeal decision simultaneously in writing within twenty business days of the appeal receipt deadline and will notify the CRTIX Coordinator in writing of any instructions for further action. This deadline may be extended if warranted by the circumstances. If this deadline is extended, the parties will be notified in writing at the time the extension is determined.

The decision to uphold or modify the determination by the appellate officer is final. If a case is returned for an additional hearing, the subsequent determination and/or sanction from that hearing are ordinarily final.

### **Pending Discipline (Students)**

A student respondent will not be permitted to graduate from or otherwise be deemed to have officially completed a program in which they are enrolled while a disciplinary matter is pending; the student's graduation or certification will be held in abeyance until the matter is resolved. If a respondent withdraws with a disciplinary matter, sanction, or appeal pending, the withdrawal will be considered a resignation from Middlebury, and the student will have given up the opportunity to return to Middlebury. The student's official status at Middlebury will reflect the point in the process at which they withdrew, and the nature of the finding and sanction, as appropriate. Examples include but are not limited to "Withdrawal with a Disciplinary Matter Pending," "Withdrawal with a Disciplinary Sanction Pending," and "Withdrawal with a Disciplinary Appeal Pending."

In extraordinary circumstances, the appropriate supervisory authority may, after appropriate consultation, a review of the case, and consideration of Middlebury's best interests, grant permission for a respondent to withdraw from Middlebury when a disciplinary matter is pending. If the student is readmitted to Middlebury, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return (as determined by Middlebury).

## **VIII. Admission of Responsibility**

If at any point a respondent chooses to accept responsibility for violating all policies under investigation, an official designated by the CRTIX Coordinator will issue a determination and refer the matter to the appropriate supervisory authority or authorities for the program at issue in accordance with this Procedure. The appropriate

supervisory authority or authorities will issue a sanction and/or take other action that is designed to restore or preserve the complainant's equal access to Middlebury's education program or activity.

## **IX. Informal Resolution**

### **A. General Information**

Informal resolution is a voluntary option that does not involve a hearing process. Informal resolution may be used in Title IX Sexual Harassment matters in which a formal complaint has been filed by a complainant or signed by the CRTIX Coordinator.

The CRTIX Coordinator will assess the request for informal resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct. Middlebury will only proceed with an informal resolution process if both parties provide their voluntary, written consent to initiate the informal resolution process. Middlebury will not offer or facilitate an informal resolution process in matters that involve allegations that an employee committed Title IX Sexual Harassment against a student.

At any time prior to reaching a determination regarding responsibility, Middlebury may facilitate an informal resolution process (e.g., mediation or restorative justice) where requested by one party and agreed to by the other party. If a party requests the initiation of an informal resolution process and the CRTIX Coordinator agrees that the matter is appropriate for informal resolution, Middlebury will provide to each party a written notice that discloses:

- The allegations;
- The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations-
- As noted below, Middlebury generally permits parties to withdraw from the informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time before the informal resolution process is completed and any informal resolution is agreed to in writing by the parties); and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the CRTIX Coordinator (in consultation with other Middlebury administrators as deemed necessary). A party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement. After an informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding substantially the same factual allegations.

At any time before a matter is resolved through informal resolution, the CRTIX Coordinator may terminate an informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time, as they deem appropriate in their discretion.

## **X. Training of Individuals Conducting Investigations and Adjudications and Facilitating Informal Resolution Processes**

The CRTIX Coordinator, investigators, decision-makers, sanctioning authorities, appellate authorities, and individuals facilitating informal resolution processes (collectively, "Middlebury Officials") receive training on the definition of Title IX Sexual Harassment in this policy, the scope of Middlebury's education programs or activities, how to serve impartially (including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias), and on issues of relevance of evidence as well as questions, including when

questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Any materials used to train Middlebury Officials will not rely on sex stereotypes and will promote impartial adjudications of formal complaints. Middlebury will ensure that all Middlebury Officials comply with the standards on serving impartially that are outlined in this paragraph.

## **XI. Record Keeping**

The HROs and the CRTIX Coordinator will maintain as required by the May 2020 Title IX regulations any records related to Title IX Title IX Sexual Harassment cases, and will keep confidential records and/or reports under this policy and the actions taken in response to those reports.

## **APPENDIX A**

### **A. DEFINITIONS**

#### **1. Complainant**

A complainant is an individual who is reported to have experienced conduct that could constitute Prohibited Conduct, regardless of whether the individual makes a report or seeks disciplinary action

#### **2. Respondent**

A respondent is an individual who has been reported to have engaged in conduct that could constitute Prohibited Conduct and whose alleged conduct is being investigated to determine if it is in violation of Middlebury's policies.

#### **3. Report**

A Report is any information received by Middlebury College that a complainant has allegedly been subjected to conduct which could constitute Title IX Sexual Harassment. A Report is not a Formal Complaint and does not trigger a formal investigation or adjudication. Instead, reports serve as a basis for statistical reporting under the Jeanne Clery Act, and allow Middlebury to provide Supportive Measures to those who have experienced Title IX Sexual Harassment. Any Complainant who reports Title IX Sexual Harassment will receive information about the Formal Complaint and Investigation Process.

#### **4. Formal Complaint**

Formal complaint means a document filed by a complainant or signed by the Civil Rights and Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the recipient investigate the allegation of Title IX Sexual Harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient.

#### **5. Human Relations Officer**

A Human Relations Officer ("HRO") is an administrator responsible for overseeing investigations and adjudicating complaints under this Procedure. HROs are also the Civil Rights and Title IX Coordinator's designees responsible for overseeing investigations and adjudicating sexual misconduct complaints in accordance with this Procedure.

#### **6. Civil Rights and Title IX Coordinator**

The Civil Rights and Title IX Coordinator ("CRTIX Coordinator") is the administrator designated and authorized to coordinate Middlebury's efforts to comply with and carry out its responsibilities under Title IX. The CRTIX Coordinator's responsibilities include overseeing the process for handling and responding to all complaints of possible sex discrimination and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Middlebury's CRTIX Coordinator also participates in Middlebury's handling and responding to complaints of sexual misconduct, domestic and dating violence and misconduct, and stalking, as defined in this policy.

References throughout this Procedure to the CRTIX should be read as including individuals to whom the CRTIX has designated certain duties either in general or in the context of a particular case or situation.

## 7. Days

Unless otherwise noted, "days" indicates calendar days, regardless of whether the majority of Middlebury's administrative offices are open. "Business days" indicates days on which the majority of Middlebury's administrative offices are open, and generally connotes Mondays through Fridays. In computing any period of time referenced in this Procedure, the day of the act or event (e.g., provision of evidence for review and response, issuance of a determination or sanction) from which the designated time period begins to run shall not be included. The last day of the period so computed shall be included if it is a business day; when not a business day, the period will conclude at the end of the next business day.

## 8. Parties

Only the complainant and respondent are considered a "party" or "parties" as that term is used within this policy.

Published: August 14, 2020

Amended: September 10, 2021

**[1] Note that Schools Abroad are covered under AHD**

**[2] Middlebury's Vermont undergraduate campus program includes a confidential resource called MiddSafe; for more information, see <https://www.middlebury.edu/student-life/health-wellness-education-and-saf...>**

# B.1.c. Americans with Disabilities Act Policy

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# I. INTRODUCTION🔗

## A. Position Statement🔗

Middlebury is committed to ensuring equal access to its programs and activities for qualified individuals, including individuals with disabilities. Therefore, Middlebury supports the standards set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, as amended, and similar state laws (hereinafter "applicable law" or "law[s]"), which are designed to eliminate discrimination against qualified individuals with disabilities. Disabilities may include physical or mental impairments which substantially limit one or more of a person's major life activities, and which necessitate modifications to Middlebury's facilities, programs, or services. Middlebury is committed to making reasonable accommodations for qualifying students, faculty, and employees with disabilities as required by applicable laws. Middlebury is committed to making the campus and its facilities accessible as required by applicable laws. Middlebury cannot make accommodations that are unreasonable, unduly burdensome or that fundamentally alter the nature of its programs or services.

## B. Nature and Scope of Policy🔗

Middlebury's Position and Policy are intended to be co-extensive with the requirements of applicable laws; nothing in this policy is intended to provide less substantive benefits or procedural protections than are required by these laws. Likewise, nothing in this policy is intended to provide greater substantive benefits or procedural protections than are required by these laws. Middlebury's ADA Policy and Procedures may have limited or no applicability to Middlebury's study abroad or other programs operated outside the United States. However, practical considerations of style and a desire to present information to the Middlebury community in a useful, efficient manner dictate that the precise wording of these laws is not restated verbatim in all provisions of this policy.

Therefore, the specific language of such laws and controlling interpretations thereof are incorporated by reference herein, and in the event of any apparent discrepancy between the language of this policy and such legal authority, Middlebury's obligations will be determined exclusively by the latter.

### **C. Admission for Students with Disabilities**

Middlebury College is committed to providing equal access to students with disabilities and welcomes applications from students with disabilities. An applicant's self-identification of disabilities is at the option of the applicant and is not required.

### **D. ADA Coordinators**

Middlebury has established a process to facilitate the reasonable accommodation of students with disabilities. Middlebury's ADA Coordinator(s) certify eligibility for accommodation under the ADA for students presenting documented evidence of qualifying disabilities (including qualifying physical disabilities, learning disabilities, attention deficit disorders, psychological disabilities, medical disabilities, and covered students in drug or alcohol recovery), and reviews and acts upon all student requests for reasonable accommodations based on an individualized assessment of each request. The ADA Coordinator reserves the right to recommend and approve accommodations that differ from the specific approaches suggested by the student, or by individuals documenting the student's disability, so long as the accommodations achieve the objective of program accessibility as required by law.

The ADA Coordinator(s), in consultation with appropriate campus personnel, coordinates and facilitates the implementation of accommodations that have been deemed reasonable and appropriate in light of the nature of a student's disability and in consideration of the individual's academic requirements. Examples include the coordination and administration of ADA-related note-taking, reader, scribe, and interpreter services and ADA equipment services. The ADA Coordinator also serves as a liaison between students, faculty, staff, Facilities Services, the Admissions Office, the Office of Learning Resources, Residential Life, Commons Administration and Deans, Parton Center for Health and Wellness, Vice President for Student Affairs and Dean of the College, Language School deans, Vice President for Academic Affairs and Dean of Schools, program directors, College Advancement, Media Services, and ITS. The ADA Coordinator is the primary intake person and decision-maker for ADA-related issues and may also be able to provide information on ADA-related issues to members of the campus and local community.

### **E. Section 504 Coordinator**

Middlebury designates the [Civil Rights and Title IX Coordinator](#) to coordinate its efforts to comply with and carry out its responsibilities under Section 504 of the Rehabilitation Act of 1973. Section 504, where applicable, generally prohibits discrimination in educational programs and employment, against qualified individuals with disabilities, on the basis of disability. See also Middlebury's [Nondiscrimination Statement](#).

### **F. Accommodations at the Middlebury Institute of International Studies at Monterey**

The Middlebury Institute has separate policies and procedures for qualified students with disabilities who seek reasonable accommodations. Middlebury Institute students seeking accommodations should contact the Institute's [Office of Student Services](#). [The Institute's ADA policies and procedures](#) are available on the Disability Services webpage.

## **G. Accommodations for Employees**

Faculty, staff, and other Middlebury employees who have ADA related concerns are assisted by Human Resources. For more information regarding the process by which employees can seek accommodations see ["Middlebury College Human Resources Procedures: ADA Compliance."](#)

## **H. Accessibility of Campus Events and Programs**

Middlebury will make its campus programs and events reasonably accessible to individuals with disabilities. Any individual, including visitors to campus, who requires an accommodation should contact the program planner or the events scheduling office at least ten days in advance of the event. Students may also contact the Disability Resource Center (DRC). Middlebury cannot ensure reasonable accommodations on less than 10 days notice.

## **I. Web Accessibility**

Middlebury is committed to taking reasonable measures to support the accessibility of its digital resources, including its Information Technology Services (ITS), such as digital hardware, software, and systems for use by students, employees and/or the general public. Students who seek an accommodation based on a disability regarding access to ITS should contact DRC. Other individuals should contact Information Technology Services.

Middlebury offices conducting core academic and business activities are strongly encouraged to align web content with the guidelines of the most current version of [Web Content Accessibility Guidelines 2.0 Level AA](#) (WCAG 2.0 AA)

# **II. STUDENT ACCOMMODATION PROCEDURES**

## **A. Certification and Accommodation**

Middlebury has adopted the following two-stage process for making reasonable accommodations to promote the accessibility of its courses, programs, goods, services, facilities, privileges, and advantages for students with qualifying disabilities:

### *1. Certification*

a. Students are asked to complete an Accommodation Request Form on the [the DRC website](#). The form requires, among other things:

i. a description of the disability, including the manner in which the disability limits major life activities relevant to a student's participation in Middlebury's programs;

ii. a description of the specific accommodations requested.

b. The form must be accompanied by documentation from an objective professional qualified to diagnose the student's disability. Documentation should confirm the diagnosis and verify the manner in which the disability limits major life activities relevant to a student's participation in Middlebury's programs (see Section D: Documentation).

c. The Accommodation Request Form and required documentation should be submitted to Disability Resource Center immediately in order to facilitate the completion of the accommodation process in as timely a manner.



d. An ADA Coordinator reviews the request for accommodation, and the accompanying documentation and will make one of the following determinations:

- i. certifies the student as a person with a disability under the ADA; or
  - ii. finds that there is insufficient evidence to certify the student's eligibility, and
- (a) denies the student's request for certification and informs the student of the available channels of appeal; or
- (b) requests additional information.

## 2. Accommodation

Once a student has been certified as a person with a disability, the ADA Coordinator:

- a. reviews the student's request for accommodation(s);
- b. engages in the interactive process with the student, and other appropriate members of the Middlebury community as applicable;
- c. approves, denies, or offers an alternative accommodation;
- d. the student may appeal the decision of an ADA Coordinator regarding certification and/or accommodation(s) through the Appeals Process described in [Section E](#) of this document.

## B. Role of the Student

Students are expected to identify their need for accommodation(s) and suggest possible accommodations to meet their needs. It is the student's responsibility to initiate the certification process described above by submitting the [Accommodation Request Form](#) and all required documentation in a timely manner.

A student who has received disability certification must work cooperatively with designated staff and faculty to determine and sustain reasonable and appropriate academic accommodations. Once a written accommodation letter has been issued to the student, the student is responsible for taking reasonable steps to ensure that the approved plan is meeting their needs. Students are therefore responsible for: (1) communicating their approved accommodations with faculty; (2) keeping appointments with faculty and designated staff to avoid delays in implementation; and (3) conferring with faculty and DRC regularly regarding the effectiveness of accommodations.

If a student perceives a need for additional accommodations or for the modification of existing accommodations, the student must request, in writing, a revision of the accommodation letter. Such requests should be addressed to an ADA Coordinator.

Providing proper accommodations requires timely student input. Immediate accommodations may be impossible to facilitate. Students who have received disability certification are encouraged to contact their professors at the beginning of the semester to make arrangements for the academic accommodations for which they have been approved. Such arrangements should be made at least 5 business days in advance of when the requested accommodation will be needed. It may not be possible to arrange accommodations requested on shorter notice.

## C. Role of the Faculty

The ADA requires that:

- all otherwise qualified students are provided with equal access to courses, programs, goods, services, facilities, privileges and advantages and;

- the impact of the disability on the student's learning and/or academic performance is mitigated without fundamentally altering the nature of the courses, programs, goods, services, facilities, privileges, and advantages.

Accommodations may involve modifications of the ways in which material is presented or learning is evaluated; for examples of accommodations, please visit the [DRC website](#). However, accommodations which fundamentally alter the nature of the courses, programs, goods, services, facilities, privileges, and advantages shall not be required of Middlebury faculty.

Faculty are encouraged to communicate with DRC regarding any concerns they may have about an accommodation. DRC shall communicate with faculty within the limitations of privacy laws. The fact, nature, and/or extent of a disability which has been certified by DRC is not subject to challenge by faculty, nor may faculty review the underlying documentation of a disability without written consent of the student. DRC may provide faculty with information about the impact of the disability where necessary to implement the accommodations. If the faculty member disagrees with an approved accommodation, the faculty member may file an appeal pursuant to [Section E](#) below.

Faculty also have the right to receive a status report of a student's accommodation request and clarification of the accommodations approved by DRC. Also, they may suggest alternative accommodations they think more appropriate in light of the nature of the course or program. Alternative accommodations must be as appropriate and as effective in mitigating the effects of a disability as those initially approved by DRC. Any alternative accommodations must be approved by DRC before implemented in the course. Faculty are, in turn, encouraged in appropriate situations to share with DRC information about the course and/or program, so that DRC is better able to consider appropriate accommodations. A cooperative effort should meet the needs of the student to the extent appropriate without fundamentally altering the nature of the academic course and/or program to maintain compliance with applicable law.

Accommodations should be implemented as soon as reasonably possible after the faculty member has received the letter of accommodation in writing from DRC. If no further consultation occurs between a faculty member and DRC, it is presumed that the accommodations will be provided as delineated in the letter of accommodation. Undue delays in the implementation of accommodations should be avoided, as they may undermine a student's ability to fairly access the content of courses, programs, goods, services, facilities, privileges, and advantages.

If a student approaches a faculty member directly to request an accommodation related to a physical or mental impairment, the faculty member is expected to direct the student to DRC. A faculty member is not individually authorized to agree to provide a student with a requested accommodation.

## D. Documentation

Middlebury requires appropriately current documentation of any or all disabilities for which accommodation is requested, provided at the expense of the student requesting accommodation, prior to determining what services and accommodations may be undertaken for students with qualifying disabilities. Documentation of disability will be kept confidential. Since insufficient information may jeopardize the accommodations process, Middlebury reserves the right to request additional documentation considered necessary to make a determination of reasonable and appropriate accommodations. The cost of obtaining any such additional documentation shall be the student's responsibility. Middlebury also reserves the right to request an independent evaluation by a professional of its choosing. The cost of obtaining any such independent evaluation shall be Middlebury's responsibility. Documentation supplied as part of the process of applying to Middlebury is not part of the student's permanent educational record.

Generally, documentation verifying the disability must:

1. be prepared by an objective professional qualified in the diagnoses of such conditions;

2. include information regarding the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of these results as they pertain to an educational environment and/or participation in the Middlebury's programs;
3. reflect the individual's present level of functioning in the areas related to the particular accommodations being sought;
4. be appropriately recent.

The ADA Coordinator determines whether the documentation submitted is adequate to certify the student as a person with a disability under the ADA, supports the requested accommodation, and whether the individual preparing the documentation is qualified to make the diagnosis at issue.

Where a student seeks accommodation for a learning disability, the student must provide professional testing and evaluation results that reflect the student's present level of processing information and present achievement level, based on comparison to the general public.

The four criteria necessary to establish a student's eligibility for learning disability adjustments or accommodations are: (1) average or above average intelligence as measured by a standardized intelligence test which includes assessment of verbal and nonverbal abilities; (2) the presence of cognitive-achievement discrepancy or an inter-cognitive discrepancy indicated by a score on a standardized test of achievement which is 1.5 standard deviations or more below the level corresponding to a student's sub-scale or full-scale IQ; (3) the presence of disorders in cognitive or sensory processing such as those related to memory, language, or attention; and (4) an absence of other primary factors leading to achievement below expectations such as visual or auditory disabilities, emotional or behavior disorders, a lack of opportunity to learn due to cultural or socio-economic circumstances, or deficiencies in intellectual ability.

Documentation verifying the learning disability must:

1. be prepared by an objective professional qualified to diagnose a learning disability, including but not limited to a licensed physician, learning disability specialist, or psychologist;
2. include the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of the test results by the professional;
3. reflect the individual's present level of functioning in the achievement areas of: reading comprehension, reading rate, written expression, writing mechanics and vocabulary, writing, grammar, and spelling; and
4. reflect the individual's present level of functioning in the areas of intelligence and processing skills; and
5. be appropriately recent.

The assessment must provide data that supports the requests for any academic adjustment. In the event that a student requests an academic adjustment or accommodation that is not supported by the data in the assessment, or if the initial verification is incomplete or inadequate to determine the extent of the disability, then it is incumbent on the student to obtain supplemental testing or assessment at the student's expense.

If Middlebury requires an additional assessment for purposes of obtaining a second professional opinion, then Middlebury shall be responsible for any cost not covered by any third party payer.

## **E. Appeals Process**

The President of Middlebury appoints an ADA Appellate Officer who decides appeals of ADA decisions when students, faculty, or staff cannot resolve the dispute. Currently, the Vice President for Academic Affairs/Dean of Faculty serves as the Appellate Officer. The Appellate Officer shall be recused where a conflict of interest exists

or when the Appellate Officer otherwise has reason not to review a particular case. The Appellate Officer shall appoint a substitute in such cases.

A student or faculty member may appeal any written decision of the ADA Coordinator to the Appellate Officer. All appeals shall be submitted in writing to the Appellate Officer within five business days after the student or faculty member receives written notification of the challenged decision. A copy of the appeal shall also be submitted to DRC. DRC shall provide any additional documents or information requested by the Appellate Officer in writing. All parties are encouraged to submit a complete statement, together with evidence and/or arguments that support their position.

In reaching a decision, the Appellate Officer may, at their discretion, rely solely on information supplied by the parties. Meetings shall be conducted only at the discretion of the Appellate Officer, and the nature of any such meetings shall be at the discretion of the Appellate Officer.

All appeals shall be decided as soon as possible, but generally in a time period not to exceed five days from the Appellate Officer's receipt of all information from the parties, and the completion of meetings. The Appellate Officer may extend this time period, if necessary.

An ADA Coordinator may, at their discretion, provide temporary accommodations, pending an appeal. The Appellate Officer does not grant temporary accommodations. The Appellate Officer shall notify the parties in writing of the appeal decision.

The Appellate Officer may: (1) remand the decision to the ADA Coordinator for reconsideration with or without recommendations (the ADA Coordinator will usually, absent extenuating circumstances, issue a decision on reconsideration within five days), (2) grant the requested relief of the appellant, including ADA certification and/or accommodations; (3) appoint another ADA Coordinator to review the matter and issue a decision, which will ordinarily occur when the original outcome was based on an abuse of discretion or (4) uphold the ADA Coordinator's decision.

The decision made by the Appellate Officer to grant or deny the appeal is final. If the Appellate Officer grants the appeal and remands the matter to an ADA Coordinator for reconsideration or appoints another ADA Coordinator to decide the matter the decision of the ADA Coordinator in either of those circumstances is final and there is no further right of appeal.

The time periods stated herein for action on the part of the ADA Coordinator and Appellate Officer are advisory rather than mandatory, and these officials may extend the deadlines as necessary.

## **F. Complaints regarding Disability-related Harassment or Discrimination**

In addition to the above-stated appeals process regarding certification and/or accommodations decisions, students who feel that they have been harassed or discriminated against on the basis of their disability, in violation of Section 504 of the Rehabilitation Act of 1973, the ADA, or other applicable law, are encouraged to file a complaint under [Middlebury's Anti-Harassment/Discrimination Policy](#) ("AH/D Policy"). Complaints should be directed to a [Human Relations Officer](#) and will be handled in accordance with the procedures set forth in the AH/D policy.

## **G. Student Records**

Records pertaining to a student are disposed of seven (7) years after the student's graduation or seven years from the student's last contact with the DRC after leaving Middlebury. Students may stipulate that information may not be discussed with their parents without the student's written release.

## III. Accommodations

### A. Academic Accommodations

Academic accommodations are intended to preserve essential academic program requirements while minimizing the effect of a certified disability upon a student's performance. For examples, please visit the [DRC website](#) online. These examples are not intended to be exhaustive, or appropriate in all cases; each student's needs are individually assessed on a case-by-case basis.

### B. Housing Accommodations

The ADA Coordinator works in collaboration with appropriate staff to arrange for reasonable accommodations for students with disabilities living in the residence halls. Live-in professional staff may be notified in advance of students with disabilities for whom residential accommodations have been approved. Middlebury encourages regular communication between students with disabilities and appropriate staff. It is the responsibility of the student to consult with Middlebury staff if there is a need to revise or modify the measures taken to accommodate the student's needs. Students who require quiet floor housing may request such accommodations through the DRC.

Students requesting a single room as an accommodation are advised that such requests will be determined on an individual case by case basis. Requests should be submitted in a timely manner prior to room draw and be supported by documentation which recommends a single room and explains why a single room is needed as an accommodation given the specific nature of the student's disability. An ADA Coordinator will work in conjunction with appropriate staff to determine room assignments for eligible students.

Assignments are made on the basis of availability of space and the level of need. In order to maximize Middlebury's ability to grant such requests, notification for undergraduate students is requested by March 1st for the following academic year. Students who plan attend other Middlebury programs should notify the DRC of their need for housing accommodations upon enrollment. Requests made after this date may be more difficult to fulfill. The ADA Coordinator reserves the right to suggest alternative accommodations where appropriate to satisfy the request.

Students requesting an air conditioner as an accommodation are advised that such requests should be made in accordance with the guidelines established in Middlebury's [Thermal Comfort Policy](#).

Students are expected to play a substantial role in specifying their needs and following through on arrangements for accommodations. It must be understood that arrangements for equipment, housing assignments, and other accommodations require advance notice.

### C. Dining Accommodations

To initiate the process for dining related accommodations, students must fill out an [Accommodation Request Form \(ARF\)](#) online or contact the [DRC](#) to obtain an alternative format of the form. The information that students provide regarding any need for accommodation(s) will be shared only with those individuals involved in the coordination and facilitation of services and accommodations that are required to make Middlebury's programs accessible.

### D. Provisional Accommodations

At the discretion of the ADA Coordinator, a student may be denied or granted provisional services pending submission of documentation and official certification. Absent extenuating circumstances such services will not

be provided for more than one semester. The nature of provisional services will be determined at the discretion of the ADA Coordinator. Provisional services do not grant a student the status or rights of a student with a qualifying or certified disability, and it must be understood by students that a short-term grant of provisional services does not guarantee the continuation of such services or affect the ADA Coordinator's decision as to whether requested or provisional services are reasonable accommodations.

## IV. ASSISTANCE FOR STUDENTS WITH TEMPORARY IMPAIRMENTS<sup>2</sup>

In keeping with Middlebury's commitment to supporting students, the Center for Disability Resources (DRC) may be able to arrange limited assistance for temporarily impaired students at the discretion of the DRC and other Middlebury offices or programs. It must be understood that the DRC voluntarily providing or arranging such help does not mean the temporarily injured or impaired students qualify as individuals with a disability under the law or this policy. If you have questions about what assistance Middlebury may be able to provide in the event of a temporary impairment, contact the DRC.

*Updated on September 9, 2019.*

### B.1.d. Service and Assistance Animals Policy

This policy addresses Service Animals and Assistance Animals, as defined below, while they are on campus. For policies regarding general pets and animals on the Vermont campus, see the Pet Policy section of the College Handbook ([II.A.6. Pet Policy](#)).

#### A. Service Animals

The Department of Justice defines service animals as "**dogs that are individually trained to do work or perform tasks for people with disabilities.**" Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act [FHA]." (see policies for assistance animals in section B below)

Service animals need not have special certification or identification in order to qualify as such. They need only be required because of a disability and to be trained to work or perform a task. If it is not readily apparent what work an animal performs, Middlebury personnel will limit inquiries to only two questions, which are:

- 1) Is this animal a service animal required because of a disability?
- 2) What task or work has this animal been trained to perform?

Service animals shall be allowed into any area of the campus that students or other handlers may go including the classrooms, libraries, museums, dining halls, etc., but must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Middlebury encourages students, faculty, and staff to register their service animals with the College.



## **B. Assistance Animals**

The definition of assistance animals under the FHA (Fair Housing Act) and for the purposes of Middlebury's policies is broader than the definition of "service animal" under the ADA, and may include domesticated animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, but do not meet the ADA definition of "service animal" as defined above. Assistance animals can also provide emotional support that alleviates one or more identified symptoms of a person's disability. An assistance animal is not a pet. Due to the shared nature of our on-campus residential environment, Middlebury reserves the right to limit certain types of assistance animals. Based on past experience, snakes and ferrets, even if caged, are not permitted as either pets or assistance animals.

The United States Department of Housing and Urban Development applies the FHA to numerous housing situations including dorms and residence halls on college and university campuses. It requires such entities to provide *reasonable accommodations* for people with disabilities living in dorms and residence halls. Assistance animals are considered a reasonable accommodation under the FHA.

Because assistance animals do not qualify as service animals under the ADA, they are only allowed in the room and building of the student, faculty, or staff member who has been approved for reasonable accommodation. They will be allowed in outdoor spaces under proper handling when appropriate (e.g. taking a dog for a walk in accordance with [II.A.6. Pet Policy](#) and Section C. below), but they are not allowed in other offices, dorm rooms, classrooms, dining halls, or any other space or building on campus.

### **i. Reasonable Accommodation Request for Assistance Animals**

In order to request a reasonable accommodation to possess an assistance animal in residence halls on campus, or in an office or building on campus, a person must initiate the accommodation process by contacting the appropriate resource:

#### **Students**

Jodi Litchfield, ADA Coordinator  
Disability Resource Center (DRC)  
[litchfie@middlebury.edu](mailto:litchfie@middlebury.edu)  
(802) 443-5936  
Service Building 222

#### **Faculty or Staff**

Human Resources  
[hr@middlebury.edu](mailto:hr@middlebury.edu)  
(802) 443-5465  
Marble Works  
152 Maple Street

Each request to possess an assistance animal in residence halls will be evaluated on an individualized basis using the general policies applicable to all reasonable accommodation requests.

If reasonable accommodation of an assistance animal is approved by Middlebury, each academic year or every summer, assistance animals must be registered with the College (SAS or Human Resources). A denial for reasonable accommodation may be appealed by following the procedures outlined in the appropriate ADA policy (ADA policy [for students](#), ADA policy [for employees](#)). Information on the animal registration form may be shared with the Department of Public Safety, Facilities, and the Residential Life staff in order to confirm and/or receive confirmation that your animal has been approved as an accommodation.

## **C. Owner/Handler Responsibilities Relating to Service Animals and Assistance Animals**

## **i. Care and Supervision**

- Animals must be accompanied by their owners/handlers and under their control at all times.
- Owners/handlers are responsible for their animal's behavior in both public and private areas, and they must ensure their animals are harnessed or on a leash at all times.
- Owners/handlers are responsible for cleaning and grooming related to their animal including bathing and grooming, pest control, and sanitary disposal of animal waste.
- Animals may not be left unattended for periods of time that may jeopardize the health or well-being of the animal or put others at risk.
- The owner/handler is responsible for any property damage caused by their animal, including the cost to cover repairs for damage the animal causes to Middlebury property, except reasonable wear and tear.

## **ii. Licensing**

The animal must be licensed and vaccinated in accordance with state, county, and/or municipal laws. The vaccination tag and license must be worn by the animal at all times.

## **iii. Removal of an Animal**

Middlebury maintains the right to remove an animal under certain circumstances if:

- the animal is not housebroken,
- is not under the direct care and supervision of the owner/handler,
- the animal is out of control and the owner/handler does not take effective action to control it,
- if it is not vaccinated or licensed,
- if it causes disturbances such as noise, barking, or excessive odors, or
- if it poses a direct threat to any member of the Middlebury community.

# **C. Health and Safety Policies**

## **Introduction**

Middlebury is committed to maintaining a safe environment for the people who live, learn and work on its campuses and to enable its educational mission. Policies in this section describe the basic commitments all members of the Middlebury community make to each other, to ensure our campuses are safe places for teaching, learning, living and working. While procedures and specific implementation may vary across campuses and programs, we all have a shared interest in an environment that supports teaching and learning that enables us to engage with the world.

The subpages in this section apply to all members of the Middlebury community in all locations.

**Please choose from the following content:** ↻

- [C.1. Emergency Preparedness for Middlebury Schools and Programs](#)



- [C.2. Threat Assessment and Response Policy](#)
- [C.3. Emergency Removals Policy](#)
- [C.4. Demonstration Regulations](#)
- [C.5. Minors on Campus Policy](#)
- [C.6. Weapons Policy](#)
- [C.7. Alcohol, Tobacco and Other Drugs](#)
- [C.8. No Smoking Policy](#)

## C.1. Emergency Preparedness

The expectations in this Emergency Preparedness section are intended to apply to all members of the Middlebury community. Implementation on each campus or for specific programs may vary.

**A. Reporting Illegal Activity and/or Threats:** Anyone who believes that an individual has committed or may commit illegal activity, has committed or may commit an act of violence, is engaging in behavior or making statements that generate concern about the potential for violence, or otherwise may pose a threat to the health or safety of any member of the Middlebury community should contact Public Safety immediately. Individuals may also make a report about threatening behavior to their Commons Dean or any member of the TAM Team (TAM Team members are listed on the Team's website: [go/threatassessment](https://go.threatassessment)). In case of a crime in progress or an immediate emergency, call 911.

**B. Contact Information:** All Middlebury students and employees need to provide and maintain current emergency contact information in BannerWeb for use in the event of an emergency, crisis, or significant disruption. Students are also required to provide an evacuation plan in BannerWeb. In the event of an emergency, Middlebury will use its Emergency Notification Systems (ENS) to provide timely information and updates for students, parents, faculty, staff and other members of the campus community. For more information about emergency notifications systems at Middlebury, [click here](#).

**C. Emergency Response:** Middlebury has emergency response plans in place for a wide range of situations, known collectively as the Emergency Operations Plan. The Emergency Operations Plan is supported by three emergency teams: The Executive Policy Group, the Emergency Management Team, and the Emergency Management Auxiliary Team. More information about those plans and teams can be found at <https://www.middlebury.edu/er>. All members of the Middlebury community are expected to support emergency operations as needed, including by fulfilling ordinary responsibilities of their institutional role, and/or taking on other responsibilities as needed.

**D. Threat Assessment and Management:** Middlebury has established a [Threat Assessment and Management Team](#) ("TAM Team"), which is empowered to assess risk and formulate an appropriate response in situations where an individual's behavior and/or statements generate concern that he or she may present a threat to health or safety of others. The TAM Team seeks to mitigate potential risks before they result in harm. All members of the Middlebury community are expected to share information with the TAM Team when they believe an individual poses a threat to the physical safety of members of the Middlebury community, or in response to request for information from the TAM Team. More information is available in the Threat Assessment and Response Policy.

## C.2. Threat Assessment and Response Policy

- [Introduction](#)
- [Threat Assessment Team](#)
- [Reporting Potential Threats](#)

- [Confidentiality](#)
- [Retaliation](#)

## I. Introduction & Purpose<sup>2</sup>

Middlebury is committed to maintaining campus and workplace environments that are safe and secure for all students, staff, faculty, and visitors. As part of this commitment, Middlebury has established two Threat Assessment and Management Teams (“TAM”), which are empowered to assess risk and, in cooperation with other Middlebury teams or offices as appropriate, formulate an appropriate response in situations where an individual’s behavior and/or statements indicate they may present a threat to the health or safety of others. The Vermont TAM is responsible for all the programs based in Vermont and elsewhere except that the Institute TAM is responsible for the Middlebury Institute of International Studies. The TAMs seek to mitigate potential risks before they result in harm.

Nothing in this policy shall be construed to alter or amend other applicable Middlebury policies.

## II. Threat Assessment Team<sup>2</sup>

The Chief Risk Officer appoints the members of the Vermont TAM and names its chair, and appoints new or different team members as necessary; the VPAA/Dean of the Institute appoints the members of the Institute TAM. Each TAM is advisory and makes recommendations to the appropriate office in the programs for which it is responsible.

The Vermont TAM is chaired by the Director of Public Safety, and ordinarily consists of representatives (or their designees) from the Department of Public Safety, Academic Affairs, Vice President for Student Affairs and Dean of the College Office, Office of the Chief Risk Officer, Human Resources, and a clinical psychologist from the Center for Health & Wellness.

The Institute TAM is co-chaired by the Associate Dean of Student Services and the Executive Assistant to the Vice President. Ordinarily, the Institute TAM consists of representatives from Advising, Career, Student Services, Human Resources, Information Technology Services, Communications, the Institute campus security, and the VP’s office.

### Vermont TAM

Contact	Title	Email	Phone
Demitria Kirby	TAM Chair, Assoc. VP of Safety	<a href="mailto:dkirby@middlebury.edu">dkirby@middlebury.edu</a>	802.443.5201
Dan Gaiotti	Assoc. Dir. of Public Safety	<a href="mailto:dgaiotti@middlebury.edu">dgaiotti@middlebury.edu</a>	802.443.5873
Rick Whitney	Lieutenant	<a href="mailto:rwhitney@middlebury.edu">rwhitney@middlebury.edu</a>	802.443.5836
Pete Brown	Director of Operations	<a href="mailto:peterb@middlebury.edu">peterb@middlebury.edu</a>	802.443.5996
Jim Ralph	Dean of Faculty	<a href="mailto:ralph@middlebury.edu">ralph@middlebury.edu</a>	802.443.5320
Smita Ruzicka	VP for Student Affairs	<a href="mailto:sruzicka@middlebury.edu">sruzicka@middlebury.edu</a>	802.443.2465
Sue Ritter	Chief Risk Officer, Assoc. Sec. of the Corp., and Dir. of Community Relations, Deputy Counsel	<a href="mailto:sritter@middlebury.edu">sritter@middlebury.edu</a>	802.443.3289
Cathy Vincent	Assistant VP of HR for People Programs	<a href="mailto:vincent@middlebury.edu">vincent@middlebury.edu</a>	802.443.5624
Barbara McCall	Exec. Dir., Center for Health & Wellness	<a href="mailto:bmccall@middlebury.edu">bmccall@middlebury.edu</a>	802.443.5361

Chris Norris	VP of Information Technology - Chief Information Officer	<a href="mailto:cnorris@middlebury.edu">cnorris@middlebury.edu</a>	802.443.5480
Derek Doucet	Associate Vice President and Dean of Students		

## California TAM

Contact	Title	Email	Phone
Ashley Arrocha	Co-Chair, Associate Dean of Student Services	<a href="mailto:aarrocha@middlebury.edu">aarrocha@middlebury.edu</a>	831.647.4654
Barbara Burke	Director of Operations	<a href="mailto:blburke@middlebury.edu">blburke@middlebury.edu</a>	831.647.3513
Betcie Daniels	Campus Security Manager	<a href="mailto:bdaniels@middlebury.edu">bdaniels@middlebury.edu</a>	831.647.4153
Sierra Abukins	Director of Communications	<a href="mailto:sabukins@middlebury.edu">sabukins@middlebury.edu</a>	831.647.6606
Michael Ulibarri	Senior Business Partner	<a href="mailto:mulibarr@middlebury.edu">mulibarr@middlebury.edu</a>	831.647.6404
MaxJulian Ham	Assistant Director of Residential Life	<a href="mailto:mham@middlebury.edu">mham@middlebury.edu</a>	831.647.6442
Gustavo Carvalho	Systems Engineer II, Information Technology	<a href="mailto:gcarvalh@middlebury.edu">gcarvalh@middlebury.edu</a>	831.647.6658

Middlebury's General Counsel serves as an adviser to both TAMs, and is expected to attend regular as well as *ad hoc* meetings.

Members of the TAM are identified by name and position here and in other Middlebury publications, as appropriate. Other Middlebury personnel and outside resources with relevant areas of specialization and responsibility may be called upon to assist the TAM, including but not limited to Commons deans, supervisors, law enforcement agencies, medical personnel, or other outside experts. Both TAM teams follow these [Guidelines](#). The Office of the President will be kept apprised of the Team's work as appropriate.

## III. Reporting Potential Threats<sup>2</sup>

Anyone who believes that an individual has committed or may commit an act of violence, or otherwise may pose a threat to the health or safety of any member of the Middlebury community should **call the Department of Public Safety immediately at 802.443.5911 at Middlebury College or Campus Security at 831-647-4153 at the Middlebury Institute. In case of an emergency, please dial 911.**

The Chair of a TAM will assess the reported information and determine whether to convene the TAM.

In cases where an assessment indicates that the threat is to self only, the matter will be referred to the appropriate Middlebury official (e.g., student matters will be referred to the appropriate student life resources; staff matters will be referred to Human Resources; and faculty matters will be referred to the appropriate vice president for the program). In cases where available information suggests that a person may pose a threat to self and others, the TAM will ordinarily be convened and will involve the other officials listed here as appropriate. In cases where a referral is made, the TAM may be re-involved as necessary and appropriate.

## IV. Confidentiality<sup>2</sup>

All reports under this policy will be handled in a sensitive manner. Information will be shared with others only to the extent necessary to assess and manage the situation and in accordance with state and federal law.

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional or religious adviser. The medical, mental health, and religious professionals at Middlebury respect and protect confidential communications from students, faculty, and staff to the extent that they are legally able to do so. One of these professionals may have to breach a confidence, however, when he or she perceives a serious risk of danger to another person or property.

Middlebury and its campuses are also part of larger communities. If there is an independent investigation or lawsuit relating to an act of violence or a potential threat, those involved or others may be required by law to provide documents, testimony, or other information.

## V. Retaliation

Retaliating directly or indirectly against a person who has in good faith made a report under this policy or who has supported or participated in an investigation is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop the report or not participate in the investigation, or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Depending on the circumstances, retaliation may be unlawful, whether or not the report is ultimately found to have merit. An individual who engages in retaliation under this policy will be subject to discipline in accordance with Middlebury-wide policies and the policies applicable to the program at issue.

## C.3. Emergency Removals Policy

1. In addition to fostering the growth of its individual students, Middlebury recognizes its obligation to protect the safety of the Middlebury community as a whole and to take appropriate action when that safety is jeopardized. To that end, Middlebury reserves the right, notwithstanding and apart from the procedures described under General Disciplinary Processes and other policies, on an emergency basis, to ban from campus, suspend, expel, or require to withdraw any individual whose presence at Middlebury is determined by the appropriate Middlebury authorities (Vice President of Student Affairs, Dean of Students, etc.) to pose a danger to the Middlebury community or its members, or to be unduly disruptive of Middlebury's academic or other programs and/or residential life, or who appears to be unwilling or incapable of effectively and/or safely participating in Middlebury's academic or other programs and/or residential life.
2. In such cases, actions taken will be subject to review, typically within one week, by the appropriate Middlebury authority.
3. In cases of emergency removal (other than expulsion) of a student, the conditions and procedures for return will be determined and communicated in writing to the student at the time of the student's departure or within 10 business days thereafter. For more information, see the applicable [student status policy](#).
4. Students subject to Emergency Removal have the right of appeal within five business days of the date of notification of conditions and procedures for return. Appeals are considered by the VPSA or their designee, who ordinarily issue a response within ten business days of receipt of the appeal.

## C.4. Demonstration Regulations

In keeping with Middlebury's Open Expression Policy, these Regulations provide the process for ensuring demonstrations can occur safely and establish Middlebury's time, place and manner requirements. These time, place and manner requirements are intended to ensure safety as well as to protect Middlebury's ability to fulfill its essential operations. Essential operations are operations that are necessary for the daily or regular operation of Middlebury to support and carry out our educational mission and typically cannot be easily moved to another location. For example, teaching classes, maintaining heat and power to the campus, supporting campus events and activities, providing meals to students in residence, clearing snow and ice, are examples of some of Middlebury's essential operations.

Middlebury's mission is to promote intellectual inquiry and exchange in accordance with our three pillars of academic freedom, integrity and respect. The safety of all participants is of utmost importance to Middlebury, and Event Sponsors as well as individual protestors will be obligated to comply with Middlebury requirements designed to protect the safety of our community and to allow Middlebury to maintain its essential operations.

- 1. Anyone who wishes to stage a demonstration or protest on Middlebury property, whether or not it is in response to another event, must submit an Event Scheduling Request. This is required in order for Middlebury staff and offices to review the event to determine whether there are safety or other operational considerations that should be addressed.
- 2. After submitting an event scheduling request, the Event Sponsor(s) should contact both Public Safety and Events Management offices to schedule a meeting to review Middlebury policies, these Regulations, and safety and operational issues in general.
- 3. The following time, place and manner requirements are ordinarily determined by Events Management in response to an Event Request, in consultation with Public Safety and the office of the VPSA:
  - a. Location
    - (1) The location of a demonstration will be determined by Events Management and other offices. Demonstrations will ordinarily occur in outdoor areas of a Middlebury campus that are generally open to the public.
    - (2) If the demonstration is in response to another Middlebury event, the location of the requested demonstration will be determined with consideration for
      - a. The safety of all participants
      - b. Proximity to the other Middlebury event
      - c. Nature, time and security considerations of the other event
      - d. Input from local law enforcement agencies
    - (3) Depending on security and/or operational needs, Middlebury may require demonstrators to avoid a certain area or limit the areas in which demonstrations may occur. Participants in demonstrations must abide by any written or verbal instructions given in this regard.
    - (4) The use of public streets for parades or demonstrations in the Town of Middlebury is subject to the town's laws and requires a Public Assemblage Permit. An application and instructions for the town's permit may be found [here](#).
    - (5) Individuals participating in demonstrations may not trespass in areas of the campus that are not generally open and available to members of the public. Example of places where demonstrators may not trespass include but are not limited to: residence rooms and private offices; academic and administrative buildings when closed; buildings and spaces not designed for overnight occupancy; specifically restricted spaces such as mechanical rooms, labs, technology spaces, etc. Ordinarily, Middlebury warns individuals who are trespassing that they are in a restricted area or that a building is closed. After such a warning, which may include posted signs, a notice not to trespass, or a verbal warning by a Middlebury official, trespassing individuals are subject to arrest by local law enforcement.
  - b. Time and Duration: Demonstrations may not interfere with the academic, educational or operational functions of Middlebury. The time and duration of the demonstration will be determined by Events Management in consultation with Public Safety and other offices, as appropriate to the circumstances, with consideration of the following factors:
    - i. Nature of the event and/or the demonstration
    - ii. Security needs of the event and/or the demonstration
    - iii. Time of the event and/or the demonstration
    - iv. Other relevant issues or considerations
  - c. Manner:
    - i. Demonstrations must occur in the approved location.
    - ii. Demonstrations may not block access to the venue in which another event is being held.
    - iii. Demonstrations may not be unreasonably noisy, such that the noise level disrupts Middlebury's campus activities or operations.
    - iv. Middlebury may restrict objects that are permitted to be brought into the Event location, such as bullhorns, hard or wooden signs, backpacks, large objects, things that would block

others' view.

- v. Demonstrations may not include weapons, open flames or other hazardous materials.
- vi. Participants in a demonstration may be asked for identification at any time to ensure they are members of the Middlebury community or are otherwise permitted to be in open areas of Middlebury's campus.
- d. Event Sponsors are required to participate in meetings and discussions needed to plan for the safety and security of an event, as well as to respond in a timely way to email and other communications from Events Management, Public Safety, the office of the VPSA and others. Failure to communicate appropriately and participate in necessary planning may result in Middlebury declining to provide the resources to support the Event Sponsor's requested event.
- e. If necessary, Public Safety will develop a security plan. Event Sponsors are required to comply with the security plan, which may include utilization of local law enforcement, including but not limited to the Middlebury Police Department and the Vermont State Police. Middlebury's town Police Department and the State Police are ultimately responsible for keeping the peace on Middlebury's campus.
- f. Event Sponsors are required to support and comply with the security plan developed by Public Safety, and as applicable, local law enforcement. Specifically, Event Sponsors may request particular conditions for entry to an event or other aspects of how the Event will be organized, such as the time doors open, restricted items, whether tickets or a Midd ID is required. However, the final conditions for the Event will be determined by Middlebury.
- g. Once the conditions and requirements for the event are determined, and a final security plan from Public Safety is issued, Event Sponsor(s) will send an email announcement of these requirements to the Middlebury community and will post the requirements at the event entrance. The Event Sponsor(s) may be required to assist in monitoring the entry to ensure that the requirements are being followed and/or to address any related issues or questions.
- h. If substantially disruptive protest occurs at the Event, the Event Sponsor(s) are responsible for upholding Middlebury's Open Expression Policy by asking that the substantially disruptive behavior stop, by warning that substantially disruptive behavior may result in the individual being removed from the event and subject to discipline in accordance with Middlebury's policies, and by notifying Public Safety or other appropriate Middlebury official.
- i. The Event Sponsor(s) are responsible for contacting Public Safety at any time that safety and security are at risk of being compromised.
- j. Important logistic requirements
  - i. Connection to Middlebury's utilities (power, etc.) or erection of any structure must be approved in advance (during the weekday) by Facilities Services.
  - ii. Demonstrators may not mark or use trees or Middlebury structures to support or display signs, messages, materials, or equipment without prior approval of Facilities Services.
  - iii. Objects normally permitted on campus may be prohibited when used in a manner that violates other policies (e.g., when a permitted object is used in a threatening manner). If a Middlebury official determines that an object is being used in violation of policy, demonstrators will be required to comply with whatever orders are given for the disposition of the item.
  - iv. Organizers must remove all items and materials at the end of the demonstration
- 4. Distribution of materials such as leaflets must allow people to decline to receive the materials and may not prevent people from receiving other material or engaging with another person.
- 5. Middlebury may choose to record demonstrations, protests, rallies, etc., as it does a number of events, by photos and/or videos. Such recording may occur through security cameras, whether stationary or not, with personal cameras, by Middlebury staff or local law enforcement, as well as other practical means. Documenting a demonstration provides protection both for those participating as evidence of peaceful activity and for Middlebury as evidence of any violation of policy, and is helpful for holding both participants and Middlebury accountable for compliance with all policies.
- 6. Community members may be asked for Middlebury-issued identification at any time, including during demonstrations, protests or other related events, by Middlebury officials to confirm that the person is a member of the community and has the ability to be on our campus. Students, specifically, are obligated



- under our [Handbook policies](#) to identify themselves when asked to do so by a Middlebury official, including Public Safety as well as other staff. Members of the public may also be asked for identification.
- 7. Public Safety staff are responsible for keeping the peace, in accordance with their departmental policies, as well as for coordinating with and supporting local law enforcement in order to keep the peace. Public Safety has the authority to respond to acts of violence, threats of violence, or overcrowding as appropriate to protect the safety of Middlebury community members. Public Safety ordinarily responds to substantially disruptive behavior by asking the person or persons to identify themselves and to stop the behavior, prior to documenting the person's conduct as a violation of policy or taking further action, such as engaging law enforcement, as appropriate to the circumstances. Other Middlebury officials may also issue warnings to individuals or groups to facilitate enforcement of Middlebury's Policy on Open Expression.
  - 8. Individuals who engage in substantially disruptive behavior will generally be warned once, which may be done individually or to a group of participants. Any Middlebury official in attendance will ordinarily request identification, document substantially disruptive behavior, and record it to facilitate enforcement of Middlebury's Policy on Open Expression.
  - 9. Guidelines for Sanctions - Students
    - a. The following guidelines are provided to ensure consistent and transparent sanctions for students who violate the Policy on Open Expression and these Demonstration Regulations. The recommended sanctions are typical examples and should not be read to prevent lesser sanctions for less serious behavior, or greater penalties for more serious behavior. The range of sanctions below is not an exhaustive list as other sanctions including loss or restriction of Middlebury privileges or future Middlebury opportunities, educational/reparative assignments and/or fines or restitution may be issued as appropriate to the circumstances (see also [Sanctions](#)). Prior conduct and judicial history may also be taken into account in determining sanctions.
      - i. Warned about substantial disruption, asked to leave, leaves voluntarily without further disruption: *Range is ordinarily no sanction; a reprimand may be appropriate for disruption clearly intended to prevent someone else's expression.*
      - ii. Warned about substantial disruption, asked to leave, leaves voluntarily though disruptively: *Range is ordinarily a reprimand to probationary status.*
      - iii. Warned, asked to leave, refuses and/or must be escorted or arrested by law enforcement officers: *Range is ordinarily from probationary status to letter of official college discipline, depending on the severity of the disruption.*
      - iv. Warned, asked to leave, refuses and/or must be escorted or arrested by law enforcement and effectively prevents open expression: *Depending on the severity of disruption, range is ordinarily from a letter of official college discipline to suspension.*
      - v. Removed, including by arrest, due to physical violence against another person or property damage: *Range is ordinarily from suspension to expulsion.*

For more information on the interpretation and enforcement of the [Open Expression Policy](#) and these Regulations, please see the related [Frequently Asked Questions](#) and [Resources](#).

*Effective 11-21-19*

## C.5. Minors on Campus Policy

### 1. Scope

Middlebury College ("Middlebury") is committed to providing an environment that is safe and secure for all individuals who participate in its programs, including minors. This policy applies to all Middlebury faculty, staff, students, volunteers, and third parties who supervise or otherwise interact with minors on Middlebury property or in connection with any Middlebury program.

## 2. Definitions

**Minor:** A person under the age of 18 years old.

**College Property:** All land and buildings owned, leased or used by Middlebury.

**Program:** Includes but is not limited to camps, sports clinics, classes, events, workshops, athletic competitions, fundraisers, community-based programs, employment at Middlebury, campus temporary housing, admissions programs and, in the case of an enrolled minor-student, all normal Middlebury activities and programs.

### Minor Children of Employees or Guests on Campus

Minors who are on campus with one or both of their parents, legal guardians or other adult individual(s) and who are not actively participating in a Middlebury program at the time of an event or incident that is covered by this policy are deemed to be under the care, custody, supervision and control of said parent(s), guardian(s) or adult individual(s). Middlebury will not attempt or endeavor to care for, protect or control such minors, on the assumption that those duties are being performed by their parents, guardians, or other responsible adult(s). However, sections 3, 7, 8, 9 & 10 of this policy apply to incidents involving such minors. If Middlebury receives a report of alleged prohibited behavior under this policy that involves such a minor and an individual over whom Middlebury has some measure of control, Middlebury will endeavor to undertake an investigation and to take appropriate remedial action.

**Program Sponsor:** The department, club, organization, student, faculty, staff person, volunteer, or third party sponsoring the program.

**Authorized Adult:** Students, faculty, staff, volunteers, or third parties who have been background checked and approved to supervise or otherwise interact with minors.

## 3. Prohibited Conduct

All program sponsors, authorized adults, or any other individual who supervises or interacts with minors on Middlebury property or in connection with Middlebury programs are expected to conduct themselves appropriately and maintain the highest standards of professionalism, ethics, and personal behavior. Prohibited conduct includes, but is not limited to, any of the following behaviors directed towards a minor and/or in the presence of a minor:

- \*Sexually abusing a minor or placing a minor at significant risk of sexual abuse
- \*Harming a minor by physical injury, abuse, neglect, emotional maltreatment, or abandonment
- \*Placing a minor at significant risk of physical or emotional harm
- \*Sexually provocative games
- \*Inappropriate touching, including but not limited to contact with the minor's buttocks, groin, breasts, mouth, or genitals, or where the minor is required or encouraged to have inappropriate contact with the buttocks, groin, breasts, mouth or genitals of another
- \*Harassment, sexual misconduct, domestic violence, dating violence, stalking or related retaliation as defined by Middlebury's [Non-Discrimination Policy](#).
- \*Hazing as defined by Middlebury's [Policy Against Hazing](#).
- \*Other misconduct as defined by Middlebury's [conduct policies](#).
- \*Providing alcohol or other illegal substances to a minor



- \*Threatening, intimidating, coercive or demeaning behavior
- \*Retaliation as defined in Section 10, below.

4. Authorization to Work with Minors

Criminal background checks will be performed on all new full-time and part-time benefits-eligible candidates prior to their employment at Middlebury. Other part-time candidates will be subject to criminal background checks if warranted by their specific job responsibilities.

In all cases, the following individuals must be criminal background checked and approved before they may work directly with any minor who participates in any Middlebury program or any program that occurs on Middlebury property:

- \*Any staff, faculty, student, volunteer or third party who works at any Middlebury-sponsored sports camp or clinic, or who works at any sports camp or clinic sponsored or conducted by another entity that takes place on Middlebury property
- \*Any staff, faculty, student, volunteer or third party who provides instruction to minors who are not enrolled in any Middlebury program (e.g., educational instruction, swim lessons, music lessons or skating lessons to local youth)
- \*Public Safety Officers
- \*Third parties who provide child care on Middlebury property
- \*Employees who have regular access to student residence spaces (e.g., CRDs, custodial staff, bilingual assistants)
- \*Other categories of employees or third parties as deemed appropriate by Middlebury

**Exception:** This section does not apply to current employees, students, volunteers or other third parties who:

- \*Provide medical care or counseling to minors who are enrolled in any Middlebury program.
- \*Teach, supervise, counsel, or otherwise interact with minors who are enrolled in any Middlebury program.
- \*Interact with prospective student-athletes or other prospective students in connection with Middlebury’s recruiting and admissions programs
- \*Host their own guests on campus.
- \*Participate in community service programs (unless the program sponsor requires a background check).
- \*Participate in internship programs (unless the program sponsor requires a background check)
- \*Are authorized by another school (e.g., local high school or middle school) to work with minors in connection with sports camps, clinics, practices, games or other activities that take place on Middlebury property.

5. Ratio of Authorized Adults to Minors Participating In College Programs

Except as otherwise stated below or mandated by law in the applicable jurisdiction, the ratio of authorized adults/minors during College programs should be as follows:

Age of youngest participant	Number of Authorized Adults	Maximum number of participants
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Under age 4	Please refer to Vermont rules for child care centers	Please refer to Vermont rules for child care centers
4 and 5 years old	1	5
6 to 8 years old	1	6
9 to 14 years old	1	8
15 to 17 years old	1	10

These ratios do not apply to sports-related events, camps, practices or games involving children who are between 12 and 18 years old. In those circumstances, a reasonable level of supervision appropriate to the activity is required and approval must be obtained from the appropriate Middlebury department (i.e., Athletics Department, Business Services, or Student Affairs) prior to the event.

## **6. Other Procedures Applicable to Minors Participating in Middlebury Programs**

### **A. Release forms**

All participants in events including minors must complete a [release form](#), which is available online at the Business Services Office and the parent or legal guardian must sign the form on behalf of the minor. The form must include a detailed description of the program, including a description of the level of supervision that will be provided while the participants are engaged in the program activity and, if applicable, the level of supervision that will be provided, if any, outside of the program's hours of operation (e.g., while they are staying at and/or being transported to and from, a local hotel, motel, or residence for the duration of the program).

### **B. Pick up and Drop off (Students Not Enrolled in Middlebury's Academic Programs)**

At least one authorized adult must be present when minors are dropped off and picked up. A procedure must be in place to ensure that the person who picks up the minor is authorized to do so.

### **C. Information About Minors**

With respect to all minors participating in Middlebury programs (including employment at Middlebury) or any other programs on Middlebury's campus, the program sponsor must have appropriate contact information. This includes the name(s), address(es), and telephone number(s) of the minor's parents or guardians.

Only those who have a legitimate need to know should have access to information about minors. Otherwise, information about minors should not be disclosed (e.g., authorized pick-up and drop off of parties, the name and address of overnight stay locations, and any other information that could be used to lure a child).

## **7. Reports to Middlebury Officials**

**In case of an emergency or if safety is of immediate concern, dial 911.**

Any person who has reasonable cause to believe that a child has been abused or neglected or that anyone has engaged in prohibited conduct involving a child as defined in Section 3 of this policy should contact the Department of Public Safety (802.443.5911; Vermont campus), other campus safety/security personnel applicable to the program at issue, and/or the appropriate supervisory authority for the program at issue (see contact information in [Appendix A](#), below). In addition, certain individuals are required by law to report incidents of abuse, neglect, or other crimes involving minors to local or state law enforcement authorities or other appropriate agencies (see Sections 8 & 9, below).

Depending on the circumstances, reports may also be referred by Middlebury officials to local or state law enforcement authorities or other appropriate agencies (see also Sections 8 & 9, below).

Complaints or reports under this policy will be addressed in accordance with existing policies, contracts, and/or appointment letters applicable to the individual and/or program at issue (e.g., Student Life Policies-General

Disciplinary Processes [undergraduate students]; Language Schools policies [language schools students]; Bread Loaf School of English policies [Bread Loaf students]; Middlebury Institute policies [Institute students]; Employee Handbook, Faculty Handbook, or other policies, contracts or appointment letters applicable to the faculty or staff member for the particular program at issue). If the complaint includes allegations of sexual misconduct, domestic violence, dating violence, stalking, or harassment, the matter will be addressed in accordance with Middlebury's [Non-Discrimination Policy](#). Complaints against undergraduate students who are enrolled in another Middlebury program at the time the alleged conduct occurred may be addressed in accordance with that program's disciplinary processes and/or in accordance with Middlebury's Student Life Policy-General Disciplinary Processes, as appropriate. Complaints against student employees may be addressed in accordance with applicable employment policies and/or Middlebury's Student Life policies, as appropriate.

## 8. Mandated Reporting Under Vermont Law and Other Applicable State Laws

Under Vermont law ([33 V.S.A. § 4913](#)), certain individuals who reasonably suspect abuse or neglect of a child are **required to make report** in accordance with the provisions of [33 V.S.A. § 4914](#) **within 24 hours** of the time information regarding the suspected abuse or neglect was first received or observed. The report **must** be made within **24 hours** to the [Vermont Department for Children and Families](#) ("DCF") (24 hour hotline: 1.800.649.5285). Individuals with mandatory reporting obligations are listed below.

The following professionals are required to report:

- Health care provider, including any physicians (including resident physicians and interns), surgeons, osteopaths, chiropractors, physician's assistants, hospital administrators, nurses, medical examiners, dentists, psychologists, pharmacists, emergency medical personnel, or other health-care providers
- An individual who is employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services, including school superintendents, teachers, student teachers, school librarians, child care workers, school principals, school guidance counselors, mental health professionals, or social workers
- Employees, contractors, and grantees of the agency of human services who have contact with clients
- Probation officers, police officers
- Camp owners, camp administrators or camp counselors (camp includes any residential or nonresidential recreational program)
- Members of the clergy

A mandatory reporter (as defined under Vermont law) who fails to report as required above may be subject to fines or imprisonment (see [33 V.S.A. § 4913 \(h\)](#)).

In addition to the above mandated reporters, Vermont law provides that any other person who has reasonable cause to believe that a child has been abused or neglected *may* report or cause a report to be made to DCF in accordance with [33 V.S.A. § 4914](#).

Any person other than a person suspected of child abuse, who in good faith makes a report to the Department shall be immune from any civil or criminal liability which might otherwise be incurred or imposed as a result of making the report (see [33 V.S.A. § 4913](#)).

A person may not refuse to make a report required by law on the grounds that making the report would violate a privilege or disclose a confidential communication, except that a member of the clergy shall not be required to make a report under [33 V.S.A. § 4913](#) if the report would be based on information received in a communication which is: (1) made to a member of the clergy acting in his or her capacity as a spiritual advisor; (2) intended by the parties to be confidential at the time the communication is made; (3) intended by the communicant to be an act of contrition or a matter of conscience; and (4) required to be confidential by religious law, doctrine or tenet.

When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described above, he or she is required to report on the basis of that information even though he or she may have

also received a report of abuse or neglect about the same person or incident in the manner described in the previous paragraph.

Reports shall be made orally or in writing to DCF. Reports shall contain the name and address or other contact information of the reporter as well as the names and addresses of the child and the parents or other persons responsible for the child's care, if known; the age of the child; the nature and extent of the child's injuries together with any evidence of previous abuse and neglect of the child or the child's siblings; and any other information that might be helpful in establishing the cause of the injuries or reasons for the neglect as well as in protecting the child and assisting the family (see [33 V.S.A. §4914](#)).

The name of and any identifying information about either the person making the report to DCF or any person mentioned in the report shall be confidential unless:

- The person making the report specifically allows disclosure.
- A Human Services Board proceeding or a judicial proceeding results from the report.
- A court, after a hearing, finds probable cause to believe that the report was not made in good faith and orders the Department to make the name of the reporter available.
- A review of the allegation is requested and DCF determines that identifying information can be provided without compromising the safety of the reporter or the persons mentioned in the report.

Under Vermont law, Middlebury is prohibited from taking any adverse employment action against an employee on the basis that he/she made a good faith report of suspected child abuse to the DCF.

Mandatory state law reporting requirements applicable to Middlebury programs in California, New Mexico, and Washington, D.C., are set forth in [Appendix B](#).

## 9. Mandated Reporting of Crimes Under Federal Law

Certain College employees are “[Campus Security Authorities](#)” (“CSA”) and are therefore required under federal law (the “Clery Act”) to report suspected [crimes](#) that have occurred on College property, on all public property (including thoroughfares, streets, sidewalks, and parking facilities) that is within the campus, or immediately adjacent to and accessible from the campus, and on certain nonpublic property (such as any building or property owned or controlled by the College that is used in direct support of, or in relation to, the College’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the College). A list of CSA's can be found [here](#).

## 10. Retaliation

Retaliating directly or indirectly against a person who has in good faith made a report under this policy or participated in an investigation is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Depending on the circumstances, retaliation may also be unlawful, regardless of whether the complaint is ultimately found to have merit.

## APPENDIX A: Contact Information for All Middlebury Programs<sup>2</sup>

### CONTACT INFORMATION FOR MIDDLEBURY PROGRAMS IN VERMONT

#### [Department of Public Safety](#)

Middlebury College  
125 S. Main St.  
Middlebury, VT 05753  
802.443.4911

[Middlebury Police](#) or [Vermont State Police](#)

802.388-3191      802.388-4919

Emergency: 911

[Vermont Department of Children and Families](#)

(24 hour hotline: 1.800.649.5285)

### **Civil Rights and Title IX Coordinator**

Butterfly Blaise Boire

Middlebury College

Service Building 213

Middlebury, VT 05753

802.443.2147

[bboire@middlebury.edu](mailto:bboire@middlebury.edu)

### **Senior Human Relations Officer**

Thaddeus Watulak

Middlebury College

Service Building 215

802.443.5741

[twatulak@middlebury.edu](mailto:twatulak@middlebury.edu)

### **Human Relations Officer**

Cameron Connah

Middlebury College

Service Building 212

802.443.3324

[cconnah@middlebury.edu](mailto:cconnah@middlebury.edu)

### **Alternate Human Relations Officers**

Laura Carotenuto

Middlebury College

Human Resources

Marble Works 120

Middlebury, VT 05753

802.443.2012

[lcaroten@middlebury.edu](mailto:lcaroten@middlebury.edu)

### **Associate Dean for Judicial Affairs and Student Life**

Brian Lind

Middlebury College

Service Building 217

802.443.5385

[blind@middlebury.edu](mailto:blind@middlebury.edu)

## **CONTACT INFORMATION FOR MIDDLEBURY PROGRAMS OUTSIDE OF MIDDLEBURY, VERMONT**

### **Bread Loaf School of English, Ripton, VT**

Emily Bartels, Director

4229 Ripton, Route 125

Middlebury, VT 05753

802.443.5418

[ebartels@middlebury.edu](mailto:ebartels@middlebury.edu)

Lyndon Dominique, Associate Director  
4265 Ripton, Route 125  
Middlebury, VT 05753  
802.443.5418  
[ldominique@middlebury.edu](mailto:ldominique@middlebury.edu)

[Department of Public Safety](#)

Middlebury College  
125 S. Main St.  
Middlebury, VT 05753  
802.443.4911

[Vermont State Police](#)

802.388-4919  
Emergency: 911

[Vermont Department of Children and Families](#)

(24 hour hotline: 1.800.649.5285)

**Bread Loaf School of English, Santa Fe, NM**

Holly Laird and Lars Engle  
Office: 102 Anderson  
505.995.4084  
[Holly\\_Laird@breadnet.middlebury.edu](mailto:Holly_Laird@breadnet.middlebury.edu)  
[Lars\\_Engle@breadnet.middlebury.edu](mailto:Lars_Engle@breadnet.middlebury.edu)

[St. Johns College Security Department](#)

505.984.6000 or 505.984.6025 or 505.660.8177  
Dial 0 from any Campus Phone

Jim Ardis, Director of Security and Safety  
505.984.6125

[Santa Fe, New Mexico Police Department](#)

2515 Camino Entrada  
Santa Fe, NM 87507  
Mailing: P.O. Box 909  
Santa Fe, NM 87504-0909  
505.955.5033 or 505.955.5006  
Fax: 505.955.5052  
Emergency: 9-1-1

[New Mexico Children Youth and Families Department](#)

1.855.333.SAFE

**Bread Loaf School of English, Oxford, United Kingdom**

Jeri Johnson  
Exeter College  
Oxford OX2 3DP  
United Kingdom  
011.44.1865.279608  
[Jeri.johnson@exeter.ox.ac.uk](mailto:Jeri.johnson@exeter.ox.ac.uk)

**Middlebury Institute of International Studies at Monterey**

[Human Relations Officers](#)

Ashley Fera Arrocha (Title IX Coordinator Designee for the Institute)

Associate Dean of Student Services  
Office of Student Services  
440 Van Buren Street  
Monterey, CA 93940  
831.647.4654  
[aarrocha@miis.edu](mailto:aarrocha@miis.edu)

Michael Ulibarri  
Human Resources Manager  
Human Resources Department  
460 Pierce Street  
Monterey, CA 93940  
831.647.6404  
[mulibarr@miis.edu](mailto:mulibarr@miis.edu)

[Campus Security](#)  
831.647.4153

[Local Police Department](#)  
Monterey Police Department 351 Madison Street Monterey, CA 93940  
Emergency: Call 911  
831.646.3914

[California Department of Social Services](#)  
(831) 755-4400

**MiddCORE Summer Program, Monterey, CA**  
Christal Brown, Director  
Mahaney Center for the Arts 116  
802-443-5677  
[christal@middlebury.edu](mailto:christal@middlebury.edu)

[Campus Security](#)  
831.647.4153

[Local Police Department](#)  
Monterey Police Department 351 Madison Street Monterey, CA 93940  
Emergency: Call 911  
831.646.3914

[California Department of Social Services](#)  
(831) 755-4400

**Middlebury Schools Abroad**  
Carlos Velez  
Interim Dean of International Programs  
Sunderland Language Center 128  
Middlebury, VT 05753  
802-443-5745  
[velezbla@middlebury.edu](mailto:velezbla@middlebury.edu)

**Middlebury School of the Environment**  
Curt Gervich, Co-Director  
Sunderland Language Center 206  
Middlebury, VT 05753

802-443-3100

[cgervich@middlebury.edu](mailto:cgervich@middlebury.edu)

Liou Xie, Co-Director  
Sunderland Language Center 206  
Middlebury College  
Middlebury, VT 05753  
802-443-3100  
[lxie@middlebury.edu](mailto:lxie@middlebury.edu)

## DISTRICT OF COLUMBIA

### Emergencies: Dial 911

#### [Washington DC Metropolitan Police Department](#)

300 Indiana Avenue, NW  
Washington, DC 20001  
Telephone: 202-727-9099  
TTY: 711  
[mpd@dc.gov](mailto:mpd@dc.gov)

#### Second District Station

3320 Idaho Avenue, NW  
Washington, DC 20016  
Phone: 202-715-7300/202-715-7300

#### [Child and Family Services Agency](#)

202.671.SAFE or 202.671.7233

## APPENDIX B: Mandatory Reporting Laws in California, New Mexico, and Washington, D.C.🔗

### I. California🔗

Under California law, Cal. Penal Code § 11164-11174.3, certain individuals are **required** to report any incident where they have knowledge, observe, or reasonably suspect that a minor has been abused or neglected. The report **must** be made **immediately** or as soon as practically possible by phone to a county welfare department, probation department (if it is designated by the county to receive mandated reports), or to a police or sheriff's department (not including a school district police or security department). A written report must be submitted on a Department of Justice form within 36 hours (forms are available here: <https://oag.ca.gov/childabuse/forms>). Individuals with mandatory reporting obligations are listed below.

The following is a non-exhaustive list of professionals who are required to report:

- Clergy members and any custodian of records of a clergy member
- Child care providers
- Educators
- Law enforcement
- Medical professionals
- Mental health professionals
- Commercial film and photographic print processors

A complete list of mandated reporters is provided in California Penal Code section 11165.7.[\[1\]](#)



In addition to the above mandated reporters, California law provides that “any other person” who has knowledge, observes, or reasonably suspects that a child has been abused or neglected *may* make a report to a county welfare department, probation department (if it is designated by the county to receive mandated reports), or to a police or sheriff’s department (not including a school district police or security department). California Penal Code sections 11166(g), 11165.9.

There are certain exceptions to the mandatory reporting requirement based on privilege. A clergy member who acquires evidence during a penitential communication is not required to report. The attorney-client privilege is preserved, such that a lawyer or his/her agent is not required to report. Reports shall contain the name, business address, and telephone number of the mandated reporter and the capacity that makes the person a mandated reporter. One who reports but is not a mandatory reporter is not required to include his/her name.

The identity of the person making the report shall be confidential and disclosed only among agencies receiving and investigating mandated reports, to the prosecutor in a criminal proceeding or appointed counsel, unless the person reporting waives confidentiality or disclosure is required by court order.

Under California law, Middlebury and its affiliates are prohibited from sanctioning an employee on the basis that s/he made a report of suspected child abuse, nor is the employer able to impede or impair the reporter’s reporting duties or require that the reporter disclose his or her identity to the employer.

## II. New Mexico

Under New Mexico law, N.M.S.A.. § 32A-4-3, certain individuals are **required** to report any incident where the person knows or has a reasonable suspicion that a minor has been abused or neglected. The report **must** be made **immediately** to a local law enforcement agency, the Children, Youth, and Families Department, or a tribal law enforcement or social services agency for any Indian child residing in an Indian county.

It is established that following professionals are required to report:

- Licensed physician, resident or intern, a registered nurse
- Law enforcement officer
- A school teacher or official
- A social worker acting in an official capacity
- A member of the clergy

In addition to the above mandated reporters, it is presently an open question whether “every person” with knowledge or a reasonable suspicion of abuse or neglect is a mandated reporter under New Mexico law. [\[2\]](#)

A person may not refuse to make a report required by law on the grounds that making the report would be privileged as a matter of law, except for a member of the clergy. Reports shall contain the name, address, and telephone number of the reporter.

A person reporting an instance of alleged child neglect or abuse is immune from civil or criminal liability, unless the person reporting acted in bad faith or with malicious purpose. New Mexico law does not, however, explicitly state that the reporter’s identity will remain confidential, nor does it explicitly protect the reporter from retaliation by his/her employer.

## III. Washington, D.C.

Under Washington D.C. law, D.C. Code § 4-1321.02, certain individuals are **required** to report any incident where they know or have reasonable cause to suspect that a minor has been abused or neglected. The report **must** be made **immediately** to either the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency. Individuals with mandatory reporting obligations are listed below.

The following is a non-exhaustive list of professionals who are required to report:

- Child and Family Services Agency employees, agents, and contractors
- Every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients
- Law enforcement officers
- School officials, teachers, athletic coaches
- Domestic violence counselors
- Mental health professionals

Whenever a person is required to report in his or her capacity as a member of the staff of a school, she or he shall immediately notify the person in charge of the institution, or his or her designated agent, who shall then be required to make the report. This requirement does not relieve the staff-member of his or her obligation to make a report to the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

In addition to the above mandated reporters, Washington D.C. law provides that any other person *may* make a report to the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

The Washington D.C. statute does not explicitly state whether a party may refuse to make a report otherwise required by law on the basis of privilege. The report shall contain include:

- The name, age, sex, and address of (A) the child who is the subject of the report; (B) each of the child's siblings and other children in the household; and (C) each of the child's parents or other persons responsible for the child's care;
- The nature and extent of the abuse or neglect of the child and any previous abuse or neglect, if known;
- All other information which the person making the report believes may be helpful in establishing the cause of the abuse or neglect and the identity of the person responsible for the abuse or neglect.

If the reporter was required to report under Washington D.C. law, the report must also contain the identity and occupation of the source, how to contact the source, and a statement of the actions by the source concerning the child.

Washington D.C. law does not specifically address the confidentiality of the identity of the reporter or provide any protections to the reporter against retaliation or adverse employment action.

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[1] See <https://law.onecle.com/california/penal/11165.7.html><sup>o</sup>

[2] The statute reads that “every person” is required to report. N.M.S.A. § 32A-4-3 (a). Despite the statute’s plain language, the New Mexico Court of Appeals has held that that words “every person” only mean the professionals specifically identified in the statute (i.e. the professionals listed in the preceding bullet points). *State v. Strauch*, 2014-NMCA-020, 317 P.3d 878, 881 (N.M. Ct.App. 2013). The New Mexico Supreme Court has decided to review this question. *State v. Strauch*, 321 P.3d 936 (N.M. Ct. App. 2014) (granting cert). Middlebury’s handling of related issues will comply with New Mexico law as applicable at the relevant time.<sup>o</sup>

## C.6. Weapons Policy

The use and possession of weapons, including ammunition ("ammo"), are prohibited on Middlebury property and at Middlebury sponsored events, including in motor vehicles. Antique, imitation, and replicas of weapons and ammo are also prohibited unless they are possessed or stored in accordance to the Exceptions section below. Discovery of a weapon or ammo on Middlebury property or carried by a person (openly or concealed) on

Middlebury property, or at Middlebury sponsored events, or any other violation of the weapons policy, shall result in confiscation of the weapon or ammo. Disciplinary action against the owner and/or person in possession may be taken, which may include but not be limited to removal from Middlebury property, arrest, expulsion, suspension, probation, discipline, dismissal or termination.

This policy applies to all faculty, staff, students, employees, and visitors at all Middlebury property, including those who have a valid permit to carry a concealed weapon. This policy shall not apply to a law enforcement officer while engaged in law enforcement duties, or an active duty member of the armed forces.

Definitions of key terms are provided below.

### Exceptions

1. Matriculated students and students enrolled in a Middlebury program and living on a Vermont campus are permitted, in accordance with Vermont law, to possess weapons for hunting and sporting related activities only, such as target practice. Assault weapons and semi-automatic weapons with rapid-fire capability are expressly prohibited. A handgun is only allowed to be on campus if it is a duty weapon issued or authorized by the student-owner's employer.
2. All permitted weapons and ammo must be registered with and stored at the Department of Public Safety located at 125 South Main Street, Middlebury, Vermont. Requirements for storage in Vermont can be found on the Department of Public Safety website. The Institute of International Studies at Monterey does not allow or provide for weapons storage.
3. Due to their realistic likeness to weapons and potential for causing community alarm, possession or use of toy or replica weapons in a Middlebury-sanctioned activity or academic program must be approved in advance by the Associate Vice President of Safety, or designee, in Middlebury, or Campus Security in Monterey.

### Definitions

“Ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

“Explosive” is defined as any material, liquid, or substance that causes a sudden, instantaneous release of air, pressure, gas, and heat, including bombs, grenades, rockets and fireworks.

“Firearm” is defined as any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive such as but not limited to a pistol, revolver, handgun, rifle (bolt action, lever action, pump action, semi-automatic, and single-shot), gun, machine gun or shotgun.

“Knife” is defined as a blade six inches or longer in length or with blades less than six inches that, by design, can be used as weapons, such as switchblades or double-edged blades.

“Middlebury property” is defined as any property, facility, or grounds owned, leased, controlled or subcontracted by Middlebury. This includes the campuses of Middlebury College, Bread Loaf, and the Institute of International Studies at Monterey, as well as the Middlebury C.V. Starr Schools Abroad.

“Weapon” is defined as any firearm, explosive, knife, sword, club, bow or other object that has been designed with the intent to inflict bodily harm or physical damage to property.

## C.7. Alcohol, Tobacco and Other Drugs

- [Introduction](#)
- [Policies](#)

- [Alcohol](#)
  - [Drugs](#)
  - [Tobacco](#)
  - [Disciplinary Sanctions for Students](#)
  - [Medical Amnesty Policy](#)
  - [Disciplinary Sanctions for Faculty and Staff](#)
  - [Health and Community Responsibility](#)
  - [Laws and Resources](#)
- 

## Introduction<sup>2</sup>

Middlebury is committed to promoting individual and community health, safety, and responsibility, and ensuring a productive learning and work environment for all individuals. We require all students and employees to observe local, state, and federal laws governing the possession, use, and furnishing of alcoholic beverages, tobacco and controlled substances, also referred to as illegal drugs, and failure to do so is prohibited. We are also committed to ensuring that, in accordance with the Drug-Free Schools and Community Act of 1989 and the Drug-Free Schools and Campuses Regulations, our policies concerning alcohol, tobacco and drugs contain clear statements about: (1) the standards of conduct prohibiting the unlawful possession, use, or distribution of tobacco, illegal drugs and alcohol by students and employees; (2) that Middlebury will impose disciplinary sanctions on students and employees who violate these policies (consistent with local, state, and federal law), which may include demotion, suspension, expulsion, and dismissal; (3) the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of tobacco, illegal drugs and alcohol, including criminal prosecution; and (4) health risks and information regarding tobacco, drug or alcohol counseling, treatment or rehabilitation, or reentry programs that are available to students and employees. When tobacco, drug, or alcohol violations occur, disciplinary sanctions will be imposed in accordance with this policy. Serious incidents that put a student, employee, or others at risk of harm, as well as repeated offenses, may require a more vigorous response, including referral to counseling or a treatment facility, a leave of absence, and/or other disciplinary outcomes as appropriate.

Therefore, Middlebury will:

- a. Inform students and employees of federal, state, and local laws, and Middlebury policies, to which they are accountable, and hold them accountable to those policies under Middlebury's governance;
- b. Encourage an environment of enriching extracurricular and social opportunities that includes substance-free events and appropriate venues for students of legal age who choose to drink;
- c. Educate members of the community through academic and student life programs and policies, and employee benefits and policies, about the health risks associated with tobacco, alcohol and drug abuse, and refer students and employees to resources and health services such as tobacco, drug or alcohol counseling, treatment or rehabilitation, or re-entry programs that are available to students and employees, as applicable.

## Middlebury Policies and Local, State, and Federal Law<sup>2</sup>

All students, employees, and visitors are subject to local, state, and federal laws, as well as Middlebury tobacco, drug and alcohol policy rules and regulations, while on Middlebury-owned or -leased properties or involved with off-campus activities sponsored by Middlebury or a registered Middlebury organization. For employees, the workplace is defined as any time when one's capacity as an employee starts and stops. Middlebury policies must be followed regardless of location or format when acting in your capacity as an employee. Middlebury does not protect students or employees from prosecution for tobacco, drug or alcohol offenses under local, state, or federal laws, and does not interfere with legitimate law enforcement activities. Law enforcement officers may have a legal right to search individuals, and with consent or proper documentation may search property—

including residences owned or leased by Middlebury — without prior notice. Middlebury also reserves the right to furnish the police with information regarding alleged illegal activities.

**Middlebury College Specific to Students:** In order to preserve the safety of our residents, the state of Vermont and the College both adhere to policies that limit disciplinary consequences under certain circumstances when appropriate care is sought for individuals in drug- or alcohol-related distress. Please see the [Medical Amnesty Policy](#) below for more information. Additionally, if student health and safety concerns resulting from a student's use of alcohol and/or drugs arise, parents or guardians may be notified. See [Health and Community Responsibility](#) below for more information.

## Alcohol

The following actions are prohibited:

- a. Underage drinking. Only persons of legal age (21 or older in the United States, and as defined by the laws of a foreign host country) may possess or consume alcoholic beverages. Legal proof of age, such as a valid driver's license, state-issued liquor identification card, or passport may be required.
- b. Purchasing, serving, or furnishing alcohol for/to a minor.
- c. Selling, manufacturing, or distributing alcohol illegally.
- d. Possession, production, or provision of false ID.
- e. Operating a motor vehicle while under the influence of alcohol or other drugs. Driving on or off campus under the influence of drugs or alcohol is prohibited. Fines are assessed, and driving privileges on campus will be suspended. Students who are charged by law enforcement officers with Driving Under the Influence (DUI) and are awaiting the court outcome shall have their campus driving privileges suspended pending the court disposition. In those incidents where the DUI involves an accident with injuries to others, or other exceptional factors, immediate disciplinary action may take place.
- f. Bringing alcohol to a Middlebury event, or leaving a Middlebury event with alcoholic beverages provided at the event without approval.
- g. Possessing alcoholic beverages in unauthorized spaces. Open containers of alcohol are prohibited in public spaces, or outside on the campus grounds, unless the area has been designated for a registered or catered event.
- h. Engaging in drinking games and other behaviors designed for the purpose of becoming intoxicated through the abusive use of alcohol (e.g., funnels, keg stands, "around-the-world" parties, and other alcohol consumption based on speed and/or volume, etc.).
- i. Possessing drinking game paraphernalia (e.g., funnels, pong tables, etc.)
- j. Administering alcohol to individuals against their will and/or without their knowledge.
- k. Unsafe intoxication. Students who are deemed by College officials to be intoxicated at an unsafe level, regardless of age, will be charged with unsafe intoxication when appropriate.
- l. *Middlebury College Specific to Students:* The following actions are specifically prohibited at Middlebury College:
  1. No possession of alcohol in first-year residence halls.
  2. No possession of kegs or common containers. Possession by students of kegs or common containers (e.g., punch bowls) without advance party registration through Student Activities Office is prohibited.

Unauthorized kegs or common containers will be confiscated, along with taps, and the Department of Public Safety will return confiscated kegs and taps to the vendor.

3. Multiple instances involving unsafe intoxication, and single or multiple instances involving alcohol/drug-related transport to the hospital and/or to detoxification facilities may also result in disciplinary action, consistent with the Medical Amnesty Policy (below).
4. Violating party regulations. Party regulations can be accessed through the Student Activities Office. Small, informal gatherings held in individual rooms, suites, and small houses occupied by students of legal age, at which alcoholic beverages are consumed, do not have to be registered. Residents of the living space will be treated as "party hosts," and held responsible for the actions of individuals in attendance. Students are responsible for unregistered gatherings and related activities that occur in their rooms, whether or not they are present.
5. The use of hallways for parties is prohibited.

## **Drugs**

The following actions are prohibited:

- a. Using or possessing illegal drugs or controlled substances, including but not limited to prescription medication without a properly issued prescription, psychedelic substances such as mushrooms, LSD, etc. This also includes cannabis (marijuana) and medical cannabis prescriptions because it is still considered an illegal drug under federal law.
- b. Misuse of legal substances to cause impairment/hallucination.
- c. Possession of drug paraphernalia.
- d. Growing, manufacturing, distributing, or selling illegal drugs or controlled substances, including prescription drugs, on Middlebury property, with or without the intent to distribute.
- e. Administering drugs to individuals against their will and/or without their knowledge.
- f. Unsafe consumption and/or impairment.

## **Tobacco**

The following actions are prohibited:

- a. Underage use of tobacco. Only persons of legal age (21 or older in Vermont, and as defined by the laws of a foreign host country) may possess or consume tobacco, tobacco products, tobacco substitutes, or tobacco paraphernalia including e-cigarettes. Legal proof of age, such as a valid driver's license, state-issued liquor identification card, or passport may be required.
- b. Purchasing, serving, or furnishing tobacco, tobacco substitutes, or tobacco paraphernalia for/to a minor.
- c. Selling, manufacturing, or distributing tobacco, tobacco substitutes, or tobacco paraphernalia illegally.
- d. Possession, production, or provision of false ID.
- e. Administering tobacco, tobacco substitutes, or tobacco paraphernalia to individuals against their will and/or without their knowledge.
- f. Unsafe consumption and/or impairment.

See also Middlebury's "[No Smoking Policy](#)"



## **Disciplinary Sanctions: Students**

### **Responses to Alcohol, Tobacco and Other Drugs Policy Violations**

Student wellness and overall health inform the College's responses to the use of alcohol, tobacco and other drugs. As such, the primary goal of the conduct system is to educate and engage students by providing information, tools, and space for facilitated reflection. The College utilizes evidence-based educational opportunities to support informed decision-making regarding students' personal and academic success, as informed by Middlebury's Community Standards, listed below.

- Cultivating respect and responsibility for self, others, and our shared environment;
- Encouraging personal and intellectual courage and growth;
- Manifesting integrity and honesty in all decisions and actions;
- Promoting healthy, safe, and balanced lifestyles; and
- Fostering a diverse and inclusive community committed to civility, open-mindedness and finding common ground.

To address concerning behaviors, students will complete an educational sanction designed to help them understand the effects of alcohol, tobacco and other drugs on their mind, body and community, and to reflect on their individual goals and values. Failure to complete educational sanctions will result in an additional charge of failure to engage and may affect the student's current or future standing at Middlebury. Repeated documented incidents will result in a probationary period for students. Once a student has exhausted the educational interventions available to them through Middlebury, or refuses to engage in educational intervention methods, the student will, in effect, jeopardize their ability to remain a student at Middlebury and will likely face discipline up to and including suspension or expulsion.

### **Sanctions for Students in the Undergraduate Program at Middlebury's Vermont Campus**

Educational and/or preventative responses such as a group class, online course, individual meeting, substance use assessment, referral to support resources, or other appropriate course of action will be required of students found responsible for violating the Alcohol, Tobacco and Other Drugs Policy. Educational sanctions are assigned with the following important caveats:

1. Where more than one policy has been violated in an incident, or the student has a prior history of conduct violations, students may expect more severe outcomes.
2. Outcomes may vary depending on the nature, severity, and impact, actual or potential, of the policy violation(s) and the student's conduct and health history.
3. The range of possible disciplinary sanctions, in addition to educational sanctions, is set forth and defined in the General Disciplinary Processes under "[Sanctions](#)" and, depending on the severity of the conduct, may also include referral for prosecution (as determined by the state's attorney or other appropriate officials) and/or the completion of an appropriate rehabilitation program. Disciplinary sanctions may be assigned to students in addition to educational sanctions.

### **Sanctions for Students at Middlebury's Language Schools, Schools Abroad, Bread Loaf, School of the Environment and MiddCORE Summer Programs**

Disciplinary sanctions for students enrolled in Middlebury programs other than the undergraduate program (e.g., Language Schools, Schools Abroad, Bread Loaf School of English, MiddCORE Summer program) will be issued in accordance with the disciplinary procedures applicable to the program in which the student is enrolled at the time of the incident. Sanctions may include warnings, reprimands, probationary status, a letter of official college discipline, suspension or expulsion (see also [Sanctions](#)). The disciplinary officials in those programs may, in their discretion, issue sanctions in accordance with the general outline of expected outcomes in the Sanctions chart referenced above (including educational outcomes).

## **Sanctions for Students at the Middlebury Institute of International Studies at Monterey**

Disciplinary sanctions for students who violate this policy will be imposed in accordance with the procedures set forth in the [Student Conduct Disciplinary Process](#). While discipline is cumulative at the Institute, which may mean the assignment of greater sanctions for repeated or accumulated violations, it is not progressive. That is, depending on the severity of the violation, a student may receive any sanction, even for a first offense. Outcomes may vary depending on the nature, severity, and impact, actual or potential, of any of the violations and the student's conduct and health history. Sanctions could also include referral to an educational or rehabilitation program.

The range of possible sanctions is set forth and defined in the "[Sanctions](#)" section of the [Student Conduct Disciplinary Process](#) and, depending on the severity of the conduct, may also include referral for prosecution (as determined by the state's attorney or other appropriate officials) and/or the completion of an appropriate rehabilitation program. These sanctions are defined in the Student Conduct Disciplinary process and include a warning, reprimand, probation, loss of privileges, fines, restitution, discretionary sanctions, suspension, expulsion, and revocation of admission and/or degree. The Institute may also temporarily withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Disciplinary Process, including the completion of all sanctions imposed, if any. More than one of the sanctions listed above may be imposed for any single violation. For more information regarding sanctions, please see the Student Conduct Disciplinary Process.

## **Medical Amnesty Policy**

Middlebury's Medical Amnesty Policy is intended to encourage students to seek swift medical assistance for themselves and others without fear of penalty. Our primary concern is the health and safety of our students. We urge students not only to take care of their own well-being, but to behave in an equally responsible way with their peers.

There may be times when safety concerns arise from a student's excessive drinking or drug use, and in these situations, students should not hesitate to seek help from the Student Life/Services staff, Public Safety/Campus Security, medical or counseling professionals, and/or local or state police out of fear of disciplinary action. Under this Medical Amnesty Policy, neither the student in distress nor the student or organization seeking assistance will ordinarily be subject to disciplinary action for the possession, provision, or consumption of drugs or alcohol. Educational and/or preventative responses such as a group class, online course, individual meeting, substance use assessment, referral to support resources, or other appropriate course of action may be required.

This policy refers to isolated incidents only, and does not excuse or protect those who flagrantly or repeatedly violate the Alcohol, Tobacco and Other Drugs Policy, nor does it preclude disciplinary action arising from violations of other Middlebury policies. However, in cases involving additional policy violations, Middlebury will consider the positive impact of reporting an incident as well as the health and safety needs of the involved student(s) when determining the appropriate course of action.

This policy cannot protect students from action by law enforcement personnel, but it is consistent with laws enacted by Vermont and California that provide limited immunity from prosecution to a witness or victim of a drug or alcohol overdose who seeks medical assistance to save the life of an overdose victim. For more information about the Vermont statute, please see [18 V.S.A. § 4254](#). For more information about the California law, please see [HSC §11376.5](#).

## **Disciplinary Sanctions: Faculty and Staff**

Disciplinary sanctions for faculty and staff will be imposed under Middlebury's and the Institute's established disciplinary practices and procedures for members of the faculty and staff, as applicable. Disciplinary sanctions may include written warnings, written reprimands, completion of an appropriate rehabilitation program, termination of employment, and/or referral for prosecution (depending on the severity of the conduct). See also the following:



[Employee Code of Conduct](#)[Progressive Discipline](#)[Discharge](#)[Faculty Misconduct](#)[Middlebury Institute Employee Handbook](#)[Employee Resources](#)[Middlebury Institute Faculty Handbook](#)

## **Health and Community Responsibility**

Middlebury believes that alcohol and other drug-related problems affect our entire community and that each of us has a responsibility to help safeguard the community health by respecting policy and intervening in situations of abuse. Any member of the Middlebury community having knowledge of an individual on campus who is abusing alcohol or in possession of or using illegal drugs, or misusing legal substances to cause impairment/hallucination, is urged to encourage the individual to seek counseling and/or medical assistance. All members of the community are also expected to help protect the community health by informing appropriate staff members of instances of alcohol and/or drug misuse, distribution, and/or sales.

Involvement with or dependency upon drugs or excessive or illegal use of alcohol is viewed by Middlebury as a health concern as well as a disciplinary matter. Any time a dean, staff member, faculty member or appropriate supervisory authority has reasonable concerns that a student's health is being compromised by alcohol or other drug use (even in cases where no concrete evidence or direct witness is involved), an educational and/or preventative response, such as a group class, online course, individual meeting, substance use assessment, referral to support resources, or other appropriate course of action may be required.

**Middlebury College Specific:** In addition, the dean or appropriate supervisory authority may notify the student's parents or guardian of concerns about the student's drug or alcohol use.

## **Laws and Resources**

For information specific to state and federal laws governing the use, possession, and distribution of tobacco, drugs and alcohol, as well as additional counseling and treatment resources and information related to health risks associated with the use of tobacco, illegal drugs and the abuse of alcohol, see:

[Middlebury's Annual Drug-Free Schools and Communities Act Notice](#)[Middlebury Institute's Annual Drug-Free Schools and Communities Act Notice](#)

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## **C.8. No Smoking Policy**

The purpose of this policy is to promote the well-being of all faculty, staff, students, employees, and visitors to Middlebury by protecting our clean air. Middlebury complies with all fire and safety codes, as well as applicable state laws governing tobacco use in public areas. Both California and Vermont law ban smoking in most public places.

Smoking, including e-cigarette use, is prohibited in all Middlebury buildings and any part of a building structure such as porches, decks or balconies. This includes all residence halls and small houses occupied by students, as well as all indoor areas of Middlebury workplaces.

Smoking shall not take place within 25 feet of areas where smoke is likely to enter buildings. This includes building entranceways, near open windows, and especially near building air intakes. Additionally, in areas where there is a high frequency of problematic smoking, signs will be placed to remind community members not to smoke in that area. An annual reminder will be sent out at the beginning of the academic year and during summer programs to help to educate the community about these concerns.

Failure to observe this policy will be treated as a fire safety violation and may result in discipline and/or fines as appropriate.

## D. Appropriate Use of Middlebury Resources and Assets

The subpages in this section apply to all members of the Middlebury community in all locations.

- [D.1. Stewarding Middlebury Resources and Financial Policies](#)
- [D.2. ID Cards](#)
- [D.3. Library](#)
- [D.4. Intellectual Property](#)
- [D.5. Information Technology](#)
- [D.6. Whistleblower Policy](#)
- [D.7. Policy on Scheduling Middlebury Space for Events](#)

### D.1. Stewarding Middlebury Resources and Financial Policies

Middlebury's principal revenue sources are from students (tuition, board, and room) and from donors (individuals, foundations, and industry). These funds are given with the expectation that they advance the educational mission of Middlebury. The [Executive Vice President for Finance & Administration](#) controls the expenditure of the institution's funds under various policies, including the Allowable Expenditure, Travel and Entertainment Policy, the Procurement Policy, the Contracting Policy, and others. Budget administrators are expected to be familiar with the requirements of those policies and related procedures. The office of [Business Services](#) provides a variety of resources to support appropriate contracting and procurement practices, as well as information about insurance requirements and recommendations. Middlebury's mission of teaching and learning is made stronger by the careful stewardship of its resources to our educational programs and services.

### D.2. ID Cards

The MiddCard is a personal identification card with a photograph, issued to students, faculty, and staff for use on-campus. Members of the Middlebury community are asked to carry their cards while on campus. MiddCards are not transferable and must be presented on request to authorized Middlebury representatives, including Public Safety/Campus Security and other officials. Information on obtaining a MiddCard at the Vermont campus is available on [Public Safety's website](#). Information on obtaining a MiddCard on the Monterey campus is available on [Campus Security's website](#).

The photos as well as other information related to an individual MiddCard will usually be considered personally identifiable information and protected as such. Information about IT systems and controls is available within the [ITS policies](#).

## D.3. Library

### Overview

Middlebury maintains its Libraries for the use of students, faculty, and staff in support of the instructional goals of Middlebury. Others are welcome to visit and use the resources available within the Library. Library use is a privilege extended to those who observe the regulations and procedures established to make materials accessible to all.

The services and collections of the Middlebury Library are intended to serve the needs of students of a strong liberal arts undergraduate institution that also offers graduate programs in foreign languages and English literature. The collections are designed principally in support of the teaching mission of Middlebury. Policies pertaining to the Library apply to all students, faculty, staff, community members, and visitors who avail themselves of the services of Middlebury libraries and educational technology resources and services. Library services are available to those with a MiddCard ID or otherwise authorized by Library policies.

Middlebury Library supports and adheres to the [ALA Code of Ethics](#) and the [Society of American Archivists Core Values Statement and Code of Ethics](#) to protect the rights of researchers.

The Library complies with applicable state and federal laws regarding the privacy of patron records and ordinarily treats the searches, queries and records of patrons as confidential information. Some services, such as “Ask a Librarian” (chat, email, text), are open to everyone; however, a librarian may ask for a telephone number or e-mail address to assist with more complex questions, or to ensure compliance with licenses limiting electronic resources to participants in Middlebury’s educational programs, for example. More information about specific services offered by the Library, and procedures related to requesting services, is available on the [Library website](#).

### Responsible Use of Library Materials

As members of the scholarly community using our common resources, all library users are responsible for maintaining our library collections.

Library use is a privilege extended to those who recognize that the collections are resources to be shared with current and future users and who observe the regulations and procedures established to make materials accessible to all.

Abuse of library materials may result in the revocation of library borrowing privileges and could result in referral for College judicial procedure. The Library is committed to maintaining collections, which exist as a common resource to be shared, preserved and respected in a manner guaranteeing protection for future users. The ethical use of library materials involves acceptance of this principle and appropriate conduct regarding library collections.

## D.4. Intellectual Property

Middlebury is the owner of various forms of intellectual property, including trademarks such as its name, shield, athletic logos and copyright in certain documents critical to its identity and operations.

## A. Use of the College's Name, Logos, Images, and Other Service or Trademarks

Middlebury College has obtained trademark or service mark registrations on a variety of College names and logos. These include Middlebury College, the College seal, the Middlebury College Panthers, the panther logo, the Middlebury Language Schools, the Middlebury Institute of International Studies at Monterey (MIIS), the MIIS shield, Bread Loaf, Bread Loaf School of English, MiddCORE, etc.

Whenever these marks are used they should be noted as being registered marks. Vendors must obtain permission to produce items bearing these marks and images, or to use these marks/logos in their marketing materials. Merchandise bearing Middlebury marks or logos should usually be purchased or ordered through the College Book Store.

Questions from Middlebury programs about using these logos or marks on marketing materials or other communications should be directed to the Middlebury Office of Communications in advance. Questions about vendors using Middlebury's name or marks should be directed to Business Services.

## B. Middlebury Policy on Intellectual Property Rights – Approved October 1, 2016

### I. Principles and Definitions

The purpose of this Intellectual Property policy (this “**policy**”) is to protect and celebrate the work of members of the Middlebury Community, to establish understood guidelines with respect to ownership and use of Intellectual Property, and to demonstrate Middlebury's commitment to sharing the Middlebury Community's expertise for the public good. This policy outlines the rights, responsibilities, and opportunities of Middlebury Community members with regard to Intellectual Property created as part of work or study with Middlebury or with the use of Middlebury resources.

#### *(a) Principles.*

(1) Middlebury wishes to support and sustain its tradition of rigorous academic pursuit leading to the creation, dissemination, and preservation of knowledge, inventions and scholarly works for the benefit of the Middlebury Community and the world. Middlebury approaches Intellectual Property in a way that recognizes and honors the traditions of how institutions of higher education support scholarly work, and creates incentives to do such work, while ensuring that it is preserving the appropriate Intellectual Property rights Middlebury needs to function in an evolving world. Consistent with this academic tradition, Middlebury's Intellectual Property policy affirms that ownership of scholarly work created by members of the Middlebury Community typically remains with the creator of such work.

(2) An important way for Middlebury to encourage scholarly work and innovations is to provide institutional support in the development, production and dissemination of creative works. Academic freedom includes the freedom to choose what work to carry out and how to disseminate the results. Middlebury's approach to Intellectual Property is intended to promote academic freedom and the broad dissemination of scholarly work and innovations.

(3) Middlebury does not distinguish between creative and scholarly works created by faculty, staff, or students. All members of the Middlebury Community are treated equally under this policy, though some kinds of work done by Middlebury Community members may fall under designations of specific interest for Middlebury and thus be subject to different Middlebury ownership guidelines.

#### *(b) Definitions.*

For purposes of this policy, the following terms have the following meanings:

(1) “**Middlebury**” means all educational and research programs owned or governed by or on behalf of the President and Fellows of Middlebury College, in existence today or formed or acquired in the future, including Middlebury College, Middlebury Language Schools, Middlebury C.V. Starr Schools Abroad, Middlebury Bread

Loaf School of English, Middlebury Bread Loaf Writers' Conferences, Middlebury School of the Environment, and the Middlebury Institute of International Studies at Monterey.

(2) **“Intellectual Property”** and **“IP”** mean intellectual property existing anywhere in the world, including rights in, to, and arising under (i) patents, patent applications and inventions (**“Patent Rights”**), (ii) trademarks, service marks, trade dress, domain names, uniform resource locators (URLs) and other network or electronic designations or social media identifiers (together with the goodwill associated therewith), (iii) works of authorship, including copyrights, (iv) computer software (in object code or source code format) and related files, libraries, data and other information, and (v) trade secrets and other confidential information.

(3) **“creator”** means any person covered by this policy who (i) creates a work of authorship qualifying for protection under applicable copyright law, (ii) individually or jointly with others makes an invention and meets the criteria for inventorship under applicable patent laws and regulations, or (iii) otherwise creates or develops Intellectual Property.

(4) **“Middlebury Community”** refers to (i) all Middlebury faculty, including full-time, part-time, visiting, and affiliated faculty of Middlebury, (ii) all Middlebury staff, including full-time and part-time staff and administrators of Middlebury, and (iii) all Middlebury students.

## II. Determination of Intellectual Property Ownership

### (a) *General Rule.*

**Subject to applicable law, any IP created or developed by members of the Middlebury Community shall be owned by the creators of such IP.**

### (b) *Exceptions to General Rule.*

Notwithstanding subsection (a) above, Middlebury shall own such IP, and the creator(s) hereby assign, and shall assign, all IP rights to Middlebury, when:

(1) Middlebury has an *identity* or *functional interest* in the IP.

For the purposes of this policy, *identity interest* is defined as an interest in IP that is more integral to, and reflects more directly on, the identity of Middlebury than on the identity of the individuals who create it. For the purposes of this policy, *functional interest* is defined as an interest in IP that is used or intended to be used to ensure the effective functioning, coordination and management of ongoing operations of Middlebury. For example:

(A) Middlebury has an *identity interest* in works related to Middlebury's identity, including, without limitation:

- publications disseminated beyond Middlebury, including brochures, videos, web sites and other materials designed for the recruitment of students;
- official institutional web pages;
- multi-media elements of Middlebury's official online and social media presence;
- alumni affairs publications;
- materials designed for fundraising and institutional advancement; and
- Middlebury logos, trademarks, service marks, domain names and social media identifiers.

(B) Middlebury has a *functional interest* in works related to ongoing operations, including, without limitation:

- administrative and personnel handbooks, policy manuals and other documents;
- training and procedural manuals;
- committee and task force reports;
- institutional proposals for external funding;
- self-studies for external review or re-accreditation processes;

- institutional planning documents;
- software, digital learning platforms, interfaces, databases, specialized processes and other innovations used for operational purposes; and
- maps, architectural drawings, technical and engineering documents and other information relating to Middlebury facilities, properties and assets.

(2) Such IP is created or developed in connection with a specific, institutionally-defined project.

(3) Creation or development of the IP was funded as part of an externally sponsored program under an agreement that *requires* that IP ownership rights be allocated to Middlebury or to another entity specified by the funder. If, under the legal requirements applicable to a government-funded project (e.g., the Bayh-Dole Act), the relevant government agency may approve the transfer of the IP rights, subject to any rights of the agency under the applicable law or otherwise, Middlebury will inform the agency that it seeks to release its rights and will cooperate with the creators to obtain agency approval to transfer IP rights to the creators.

(4) The IP was created or developed with substantially greater use of Middlebury resources than would normally be provided in support of the creators' employment duties or student activities, as applicable. This might occur through disproportionate use of staff time, student resources, networks, equipment, direct funding, or other Middlebury resources. If in such a situation the creator and Middlebury mutually agree that ownership should remain with the creator or be shared by Middlebury and the creator, then Middlebury and the creator must enter into a written agreement regarding ownership of the IP at an early stage of its development, generally before the use of extra Middlebury resources begins, and ownership will then be determined by the terms of such agreement (as further described below).

***(c) IP Ownership Agreements.***

Notwithstanding subsections (a) and (b) above, where Middlebury and the creator of the IP have entered into a written agreement regarding the ownership of the IP, ownership and any assignment of IP rights obligations will then be determined by the terms of such agreement. Such agreements may involve the offering of non-exclusive, worldwide, royalty-free licenses for use by the creator or Middlebury, and/or the offering of creative commons licensing for broader use.

***(d) Other Middlebury Policies.***

Though ownership of instructional and scholarly materials and other IP created or developed by the Middlebury Community that fall outside of the Middlebury ownership rights described in subsection (b) or (c) above remains with the creator, the rights of those individuals to create, develop, distribute, use and otherwise exploit those materials and other IP remain subject to all other applicable Middlebury policies, including **Middlebury's Consulting and Outside Employment policy**, Middlebury's **Trademark and Logos policy**, and policies dealing with conflicts of interest.

***(e) IP Created through Partnerships, Collaborations and International Work/Study.***

Intellectual Property may be created or developed through collaborations or partnerships by the Middlebury Community with other individuals and institutions. In those cases, the members of the Middlebury Community and the collaborating individuals or entities should sign an agreement that describes how Intellectual Property ownership and rights will be handled. It is important to recognize that such agreements should be made in advance of the start of a project and that they may be subject to institutional, state, U.S., and international laws and regulations.

Most of the Intellectual Property created or developed by Middlebury Community members as part of work or study with Middlebury Schools Abroad and any Middlebury programs with international collaborators or operations outside the United States, remain as the property of those individuals as described in this policy; however, there are exceptions to this rule, including, without limitation, those instances in which IP is to be

owned by Middlebury as described in this policy. Additionally, some exceptions to individual ownership may apply when necessary to comply with applicable, institutional, state, U.S. and international laws and regulations.

Middlebury Community members studying or working with an international partner institution or an unrelated institution, organization, or entity, should review this policy and the Middlebury Conflict of Interest Policy, and investigate the Intellectual Property policies of that institution, organization, or entity before committing to study or work there, as they may be subject to those policies. Similarly, staff and students from international partner institutions or unrelated institutions, organizations, or entities will be subject to Middlebury's IP policies when they are doing work as part of a Middlebury course of study or work.

***(f) Institutional Support for Commercialization of IP Owned by Middlebury Community Members.***

Middlebury Community members who wish to pursue the commercialization of their Intellectual Property rights, including Patent Rights, through Middlebury, may provide the Office of the Provost with written notice of such proposed commercialization, which notice shall include a non-confidential description of such Intellectual Property rights. The Intellectual Property Committee will then determine whether additional information or disclosure is required with respect to such Intellectual Property and, if so, may require the applicable Middlebury Community member to enter into a non-disclosure agreement with Middlebury with respect to such information. Following the Intellectual Property Committee's review of the Intellectual Property and additional information and disclosures (if any) and evaluation of the commercial potential of the Intellectual Property, the Intellectual Property Committee will make a recommendation to the Provost regarding Middlebury's support of and role in the protection and commercialization of the Intellectual Property. Whether Middlebury will provide assistance in the protection and commercialization of such IP will be made at the sole discretion of the Middlebury Provost. If Middlebury elects to provide assistance in the protection and commercialization of the IP, the owner of the IP rights and Middlebury shall negotiate in good faith an agreement governing the rights and responsibilities to protect the IP rights, to further develop, market and commercialize the IP rights and an equitable sharing of royalties or other financial returns from the IP rights in recognition of their respective contributions and responsibilities.

***(g) Questions.***

Questions regarding the interpretation of the above-described Intellectual Property ownership determination framework should be directed to the [Intellectual Property Committee](#) as defined in the "Administration" section below.

### **III. Middlebury Access and Use**

Middlebury is committed to sharing the expertise of Middlebury Community members in support of Middlebury's educational purposes. To do so, Middlebury retains, and the applicable creator(s) hereby grant to Middlebury, a royalty-free and non-exclusive license and right to archive and exhibit innovations that are the Intellectual Property of creators under this policy for long-term preservation and non-commercial uses in support of education and scholarship.

### **IV. Administration**

***(a) Office of the Provost.***

This policy will be administered by the Office of the Provost. Interpretations of and rulings with respect to the terms and conditions of this policy will be made by the Provost, following consultation with the Intellectual Property Committee. Any matters that involve the Provost as a creator under this policy will be determined by an ad hoc committee of the Middlebury Board of Trustees.

***(b) Intellectual Property Committee.***



In implementing this policy, the Middlebury Board of Trustees will, in consultation with the Provost, appoint an Intellectual Property review committee (the “**Intellectual Property Committee**”) consisting of members of various constituencies within the Middlebury Community. The [Intellectual Property Committee](#) will have an Executive Committee designated by the Board of Trustees.

The Executive Committee will meet at least semi-annually to discuss and make recommendations to the Provost on matters regarding (i) changes or amendments to this policy, (ii) general guidance to the Middlebury Community regarding the interpretation of, and procedures described in, this policy, and (iii) other issues relating to the matters described in this policy as requested by the President, the Middlebury Board of Trustees or the Provost. Meetings of the Executive Committee will be open to the Middlebury Community.

The full Intellectual Property Committee will be convened and meet as needed in response to disputes arising under this policy, and additionally from time to time as requested by the Executive Committee or the Office of the Provost. Both the Executive and full Intellectual Property Committees will keep regular minutes of meetings and provide such minutes to the Provost.

***(c) Resolution of Disputes and Conflicts.***

Disputes relating to this policy and Intellectual Property created or developed by the Middlebury Community will be referred to the full Intellectual Property Committee, the President and the Vice President of Human Resources (collectively, the “**Adjudicating Committee**”) for review and resolution. When addressing a dispute, the Adjudicating Committee shall investigate the dispute, which investigation shall include soliciting feedback and information from the General Counsel of Middlebury, who shall serve as an advocate on behalf of Middlebury (or, in the absence of the General Counsel, an individual appointed by the President to serve as an advocate on behalf of Middlebury) and the creator. Resolution of all disputes will be made by the Adjudicating Committee, subject to the approval of the President. The decision of the Adjudicating Committee, subject to the approval of the President, shall be final.

***(d) Approval and Modification.***

This policy has been approved by the Middlebury Board of Trustees. It may only be modified, restated or repealed with the approval of the Middlebury Board of Trustees.

## **D.5. Information Technology**

Information technology is vital to the mission and function of Middlebury; our networks and central computing facilities are common resources upon which the whole community depends. Middlebury establishes policies governing its information technology equipment, networks, services, and systems that bind all students, faculty, staff as well as any other users of IT systems or services. The policies described briefly in this overview are those most likely to impact most members of the Middlebury community; more detailed information about these and other policies can be found at the [ITS website](#).

### **1. Responsible Use of Computing and Network Services and Facilities**

Responsible citizenship in the Middlebury community obliges users of computer and network facilities to use them responsibly and ethically, with awareness of the impacts of one's actions on others, and respect for the rights of others. While technology makes available new educational, social, and recreational possibilities, we must recognize that the ethical and legal issues relating to technology are similar to those in our daily lives.

ITS actively monitors computers and networks to identify and block malicious activities. We expect all members of our community to behave in a proper and responsible manner. However, if certain malicious, illegal, or

inappropriate activities are identified, we are obligated to investigate and act, including cooperating with legal authorities, if necessary. (See [Network Monitoring](#) & [Technology Incident Response policies](#) for further details.)

Middlebury has implemented network security devices to protect its data, systems, and reputation. While not intended to disallow legitimate traffic to and from the Internet, there may be situations where a specific application fails due to security controls. If you have legitimate need for specific network activities, contact ITS so that your request may be considered.

**a. Responsible use** of our computing resources and network infrastructure comprises three main themes: (a) ethical and law-abiding behavior, (b) conservation of our common resources, and, (c) respect for others.

**i. Ethical and Law-Abiding Behavior:** Inappropriate actions using computers can involve violation of the law, with resulting prosecution and criminal penalties. Theft, plagiarism, "breaking and entering," fraud, invasions of privacy, harassment, or distribution of illegal material are just as serious when committed with a computer as by any other means.

Theft includes the unauthorized copying of copyrighted software, reproduction or distribution of copyrighted music or video recordings without the purchase of legal copies or the explicit permission of the artist or publisher (including downloading and sharing music via popular peer-to-peer systems), and other forms of copyright violation. Unauthorized use and/or distribution of others' intellectual property (including, but not limited to, copyrighted text, images, sound, and software) violates federal or state laws or regulations and can result in civil or criminal penalties, even if the material is distributed for free, with no monetary gain to the distributor (the student, faculty, or staff member). Middlebury intends to comply fully with the Digital Millennium Copyright Act of 1998.

### **An example: Sharing Music & Videos**

Many members of the Middlebury community have questions about the sharing of music and movies in digital format over the Internet. File sharing may violate U.S. copyright law and subject you to a lawsuit for copyright infringement, and it may also be a violation of Middlebury policy. You should understand the risks of certain types file sharing given potential legal action. **Most commercially produced music, movies, games and software are copyrighted and are not to be freely shared without permission. This is the law.** Members of our community must follow the policies for appropriate use of technology resources under the law as described on the [ITS website](#). see: [Responsible Use of Computing and Network Service and Facilities](#); [Network Policies](#).

Sources for legal downloading may be found at: [www.educause.edu/legalcontent](http://www.educause.edu/legalcontent)

### **[RIAA's Music Matters list of legal music sites](#)**

**The Digital Millennium Copyright Act (DMCA)** specifies procedures that Middlebury must follow when notified that an individual using our network is violating copyright laws. If the copyright holder contacts Middlebury about a violation, if we are able to trace the network address for the alleged time of violation, we notify the user of that network address, and require removal of the offending material from the computer. For repeated notifications, we block network access from the identified network address.

"Break and enter" includes unauthorized attempts to gain access or circumvent security features of computer systems or networks. Access to our systems/servers, networks, and any information contained on them or transported by them is for authorized users only.

Fraud includes misrepresenting yourself or falsifying your identity to gain use of computers, sending electronic messages under a false address, and using others' accounts without permission.

Violations of privacy include accessing other people's data or electronic mail, or spying on their communications. Abusive or threatening messages to others can be prosecuted as harassment. Offering illegal

material by electronic means can be prosecuted in the same manner as offering illegal material on the street or a conventional market.

Should ITS receive a formal complaint of illegal activity involving a personal computer on our network (for example, a violation of copyright by unauthorized file-sharing under the terms of the Digital Millennium Copyright Act), ITS staff will make every effort to identify and inform the owner of the machine of the problem. The offending machine may be blocked from Internet access until the situation is rectified, in order to stop the alleged illegal activity and/or to try to protect the owner from further liability.

**ii. Conservation of Our Common Resources:** As members of the Middlebury community, we must be aware of the impact that our actions have on others and avoid activities that undermine or damage the integrity and efficient functioning of the network and computing infrastructure. Deliberate interference with the functioning of any computing or communications equipment will be regarded as vandalism and result in quick and decisive action.

In addition, we must avoid other actions that impair the performance of the network and computer systems for others. The communications infrastructure is finite, as are all resources. Those who use network bandwidth, CPU utilization, or memory allocation for personal activities, such as games and chain-mail lists, or use programs that digitally distribute music and/or video for personal recreation, etc., hamper the activities of others engaged in educational and scholarly activities that are the priorities of the institution. Improperly or inappropriately configured or malfunctioning personal computers or communications electronic gear may similarly degrade performance. Many "home networking" appliances, such as wireless devices or hubs, can cause serious problems if attached to the network; their use is prohibited without prior approval from ITS.

Individuals should maintain their computers with up-to-date operating system patches and virus protection to avoid contracting and spreading computer viruses or other malicious software. Malfunctioning, misconfigured, or infected machines whose behavior or traffic is significantly degrading performance of the network may be blocked from network access until the problem can be rectified. ITS also may prioritize traffic to ensure optimum performance of mission-critical applications.

**iii. Respect for Others:** As citizens in our community, we must respect the rights and privacy of one another. We are obliged to avoid actions that create a public nuisance, such as inappropriate postings to social media sites, mailing lists, or unwarranted mass mailings. The same standards of civilized discourse and etiquette that govern our face-to-face interactions should apply in cyberspace. All users of our computing and networking facilities bear the responsibility to avoid libel, obscenity, undocumented allegations, attacks on personal integrity, and harassment.

**b. ITS is committed to responsible behavior** in its management and maintenance of the computing and communications systems.

**i. Information Technology Services (ITS) respects the privacy and confidentiality of users' files and messages.** (See the "4. Privacy and Security within Middlebury's Systems" section below for further details)

**ii. ITS endeavors to protect users from the unauthorized activities** of others and will educate users about how they can protect themselves from breaches of their privacy or the security of their computers.

**iii. ITS strives to maintain the systems and networks in optimal performance** for the good of the community and will address and correct situations that impair their efficient functioning or hamper users' appropriate activities.

We all must recognize that our actions as network-linked computer users have consequences. Users whose activities or malfunctioning equipment undermine the performance of common resources may be disconnected from the network or denied access to central systems until the problem is corrected. Irresponsible or unethical activities may result in penalties or the loss of privileges. Additionally, deliberate abuse or activities in violation of ITS' rules and regulations may result in penalties consistent with Middlebury's judicial procedures and

policies. Users should be aware that activities that may seem benign to them (like sharing pirated music recordings) or harmless pranks (like gaining unauthorized access to remote computers) are increasingly being aggressively prosecuted and litigated by the wronged parties.

The laws and policies governing acceptable use of computer networks and the Internet are rapidly evolving; pending legislation and court cases may have major impacts. Users who have specific questions about responsible and acceptable use are encouraged to seek guidance from ITS.

## 2. E-mail Policies

E-mail is the official method for communicating with Middlebury students, faculty, and staff. Official e-mail communications are intended to meet and serve academic and administrative needs. Middlebury expects that such communications, many of which are time-critical, will be received and read in a timely fashion. To enable this process, all students, faculty, and staff are issued a standardized Middlebury e-mail account to receive these communications. Opting-out from official email lists is not permitted. Students, faculty, and staff who choose to forward e-mail from their Middlebury e-mail accounts are responsible for ensuring that all information, including attachments, is transmitted in its entirety to the preferred account. Individual or institutional email accounts may not be used for direct advertising for personal profit or gain.

Middlebury has adopted guidelines for appropriate use of All Campus Email messages and such messages may only be sent by specific authorized individuals. More information is available [here](#).

## 3. Network Monitoring Policy

### a. Purpose

The primary purpose of network monitoring is to ensure the availability, performance and security of Middlebury's network services. This includes identifying and blocking malicious activity in order to protect the College's data, systems, and reputation.

### b. Scope

The scope includes all computing systems and network infrastructure owned or managed by Middlebury.

### c. Policy

In order to protect data, designated ITS staff may use network monitoring technologies to log network activity and to scan data moving across the network. These technologies may include anti-virus software, firewalls, intrusion protection and intrusion detection systems, vulnerability management systems, and database and application monitoring systems. This information may be centrally correlated for analysis.

Server logs may be monitored for malicious activity on a routine schedule. Other network traffic may be logged as necessary for troubleshooting and resolution of network issues. Automated scans for unencrypted sensitive data are conducted with findings logged for appropriate management or removal.

During emergencies (brief and/or prolonged) Middlebury's network monitoring capabilities may be leveraged to determine the location of connected devices, in accordance with (and subject to) Middlebury handbook standards for privacy. These measures will not ordinarily be utilized to monitor an individual's location or movements in real-time.

Confidentiality of all information gathered as a result of network monitoring will be maintained at all times. Access to information obtained through network monitoring will be limited to designated staff and in the event of an investigation, College officials, legal counsel, or law enforcement. This information will be kept in a protected storage area. Events and incidents identified through network security monitoring will be managed in the spirit of the Technology Incident Response Policy.

Any substantive changes to the network monitoring methodology or scope must be approved by the College's senior management.

#### **d. Non-Compliance**

Any employee who is found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. Violation of this policy may also be a violation of the Federal Computer Fraud and Abuse Act.

## **4. Privacy and Security within Middlebury's Systems**

### **a. Overview**

Handling confidential and private information appropriately is a core Middlebury value, consistent with our commitment to a workplace and academic community founded on trust and respectful behavior. However, Middlebury information systems and computing resources exist to support the non-profit academic and administrative activities of the institution, and Middlebury has compelling institutional interests, such as managing its information systems and networks in compliance with the law and protecting the safety of members of our community, that are balanced against an individual's interest in privacy of information stored on Middlebury devices or within Middlebury networks. This Policy articulates the way those interests are balanced and the procedural mechanisms to safeguard information.

Please note that documents addressing the fluid issue of technology can rarely be exhaustive or dictate outcomes in all circumstances, but this Policy articulates fundamental expectations for all members of the Middlebury community and principles that underlie decision-making in these areas. All users are also expected to conduct themselves in accordance with Middlebury's policy on [Responsible Use of Computing and Network Services and Facilities](#).

### **b. Scope of this Policy**

This Policy applies to all participants in all of Middlebury's programs, including students, faculty and staff, as well as any others who may regularly or incidentally use any of Middlebury's information systems, devices and/or networks.

### **c. Definitions**

"User electronic information" includes, but is not limited to, emails, voice mails, and text messages, and their associated metadata, that are located in files and accounts associated with a particular user, as well as information generated by automated processes triggered by that user's use of Middlebury systems.

### **d. Policy**

#### **1. Use of Middlebury Devices, Systems and Networks**

1. Middlebury provides devices, IT systems and networks for institutional purposes to support its teaching and learning mission.
2. Incidental personal use of the Middlebury email system as well as for data storage on Middlebury file servers such as MiddFiles is permitted but not encouraged.
3. Individuals bear the responsibility to avoid libel, obscenity, undocumented allegations, attacks on personal integrity, and acts of harassment. Please see Middlebury's policy on "[Responsible Use of Computing and Network Services and Facilities](#)" for additional information regarding expectations of your use of Middlebury computing resources.
4. Unencrypted personally identifiable information (individual names associated with driver's license, social security, credit card or bank account numbers and access codes) and other confidential information related to Middlebury activities must not be stored on individual faculty, staff, or student employee computers, or personally-owned devices. Employees must not reconfigure a Middlebury-supplied laptop and personal computer to bypass the prompt for an authorized

Middlebury username and password upon start-up: passwords must be keyed in, rather than set to be entered automatically. Loss or theft of any device (including a laptop, personal computer, tablet, or smartphone) that may contain institutional data must be immediately reported to ITS.

*see also, **Banner Security Procedures** for additional policies & practices related to data integrity and stewardship.*

## 2. Monitoring

1. ITS is committed to maintaining the confidentiality, integrity and availability of information stored in Middlebury devices, networks and systems. Middlebury uses a variety of automatic mechanisms to monitor its networks and systems at the aggregate, institutional level, and follows best practices to identify and diagnose system or security vulnerabilities and problems.
2. Middlebury does not routinely monitor the activity and accounts of individual users except under certain circumstances described in this Policy.
3. ITS may monitor and/or access electronic information when necessary to address system or security vulnerabilities and problems, or to otherwise preserve the integrity of Middlebury systems. This includes but is not limited to ongoing maintenance, inspection, protecting against threats such as attacks, malware, and viruses; to protect the institution; and to ensure the integrity, security and availability of information in compliance with the law, contractual obligations, etc. Routine network monitoring may also include anti-virus software, firewalls, intrusion detection and prevention, vulnerability management systems, and database and application monitoring systems. Middlebury must also ensure that essential operations can be maintained, which may include disaster recovery preparation, access to restricted data necessary for business purposes and other exceptional steps to ensure continued operations.
4. By choosing to attach privately-owned personal computers or other resources to Middlebury's networks and systems, users consent to Middlebury's monitoring activities under this Policy.
5. No independent authorization is required for information technology personnel to conduct routine system protection, maintenance, management or business continuity activities as outlined above.

## 3. Access

1. a. As a general matter, Middlebury does not guarantee the confidentiality of any content housed within or transmitted through its systems or networks, because in certain circumstances Middlebury may need to access information for legitimate institutional purposes, an illustrative but not exhaustive list of which are described below.

i. Health and Safety Matters: In situations where the safety of any human being is seriously threatened, Middlebury reserves the right to access information to reduce the health and safety risk.

ii. As Required By Law: Middlebury must comply with legal process, including lawful demands for information in government investigations, law enforcement proceedings, etc. and it has obligations to preserve and produce information that is required in connection with threatened or pending litigation. Subpoenas, court orders, or other demands for information should be directed to the Office of the General Counsel.

iii. Institutional Investigations of Illegal Behavior or Misconduct: Under its policies, Middlebury may and often is required to gather information to investigate a possible violation of law or a breach of Middlebury policy. Access under such circumstances is restricted under the associated Procedure for Authorization, which ensures that appropriate senior leadership, such as the Vice-President for Human Resources, or the Dean of the Faculty, is informed in order to authorize access. Senior leaders may consult with the General Counsel, as needed.

iv. Operational Necessity: Middlebury may access information necessary to carry out essential business functions, which may include circumstances of unexpected absence, death or other unavailability.

## 4. Authorization Procedures

A. Investigations: Other than in an emergency, access to identifiable electronic information in connection with an investigation must be authorized by the responsible senior leader in advance, or be pursuant to the user's consent. Senior leaders responsible for approving uses for such purposes are:

1. The Vice President for Human Resources for all staff
2. The Dean of the Faculty for College faculty
3. The Vice President of Student Affairs/Dean of the College for College students
4. The Vice President of Advancement for alumni, parents and friends
5. The VPAA/Dean of the Institute for MIIS faculty
6. The VPAA/Dean of the Schools for faculty or students of the Schools
7. The Vice President for Risk for all community members
8. The General Counsel for all community members

ITS will notify the senior leader about a pending need for authorization. The senior leader is responsible for weighing the needs of Middlebury against the privacy interests of the individual, in the context of applicable legal restrictions, and may take into consideration technological tools utilizing non-consumptive or data analytical techniques. Senior leaders may consult with the General Counsel and others as needed. Information provided under this exception will be limited to the information that is necessary to effectuate the institution's purpose and must be maintained as confidential to the maximum extent possible.

B. Emergencies: Emergency access to information needed to reduce a serious threat to a person's health or safety may be authorized by an appropriate member of the Senior Leadership Group, who is responsible for notifying appropriate offices after the emergency has resolved of the actions taken. Notice will ordinarily be given to an identified user within a reasonable period of time, although Middlebury may exercise discretion in such notifications.

Questions about this policy and its application should be directed to the Assistant Vice President for ITS and/or the Executive Vice President for Finance and Administration, or the General Counsel.

## 5. Website Policies

Middlebury's websites are overseen by the Office of Communications and Marketing in collaboration with Information and Technology Services. Department web editors who receive training are authorized to make edits, updates and other changes to unrestricted pages. Editing of some pages will be restricted to the Office of Communications and Marketing or other authorized editors.

All institutional and departmental information should reside on the Middlebury website using the middlebury.edu domain to ensure that the pages comply with Middlebury's brand and style guidelines as well as the institution's intellectual property and copyright policies.

Materials and information created and posted on the Middlebury website are the intellectual property of the institution and/or its employees as provided in Middlebury's Intellectual Property Policy.

Faculty, staff, and students may create personal, group, and curricular websites and blogs outside the Middlebury website environment in keeping with institutional guidelines. Use of the Middlebury domain for personal websites is a privilege and is subject to restrictions to protect the institution's legal status, avoid confusion, and reduce risks to the institution. Abuse of the privilege may result in an individual's ability to make such uses being terminated.

### *a. Requirements for All Web Pages*

a.i. Materials and information created and posted on the Middlebury website must comply with copyright and fair use laws such as the Digital Millennium Copyright Act of 1998 and all relevant institutional policies, including those governing use of computing resources, nondiscrimination, harassment, use of Middlebury facilities and services for commercial purposes, and student and employee conduct.

a.ii. Any use of the Middlebury website for illegal or inappropriate activities or harassment is prohibited. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Inappropriate use shall be defined as a violation of the intended use of the Middlebury's computing resources and policies, and/or the purpose and goals



of the Middlebury website. Harassment is defined and addressed in the Middlebury [Anti-Harassment/Discrimination Policy](#) Statement found in the Middlebury Handbook.

a.iii. Unauthorized use of Middlebury's websites for commercial purposes is prohibited. Personal or institutional web pages may not be used for direct advertising for personal profit or gain. Direct links to non-Middlebury commercial entities, unless directly related to research or the curriculum, are prohibited unless approval is granted by Office of Communications and Marketing.

a.iv. Unauthorized use and/or distribution of others' intellectual property (including but not limited to text, images, sound, and software) violates Middlebury policies and the Honor Code, and is prohibited.

a.v. Exploiting Middlebury's website for malicious purposes is prohibited. Discovered exploits should be reported to [infosec@middlebury.edu](mailto:infosec@middlebury.edu), immediately. Public disclosure of means to exploit Middlebury's website is prohibited and is subject to disciplinary action.

b. As stated in the Middlebury [Anti-Harassment/Discrimination Policy](#) Statement, Middlebury recognizes that the protection of free and open speech and the open exchange of ideas are essential to any academic or artistic community and crucial for the activity of scholars and artists. Free, honest intellectual inquiry, debate, and constructive dialogue are vital to the academic mission of the institution and must be protected, even when the views expressed are unpopular or controversial.

b.i. Middlebury also recognizes that contents of electronic publications or electronic communications can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. As an educational institution, Middlebury is committed to maintaining an environment where bigotry and intolerance, including discrimination on the basis of gender, sexual orientation, gender identity and expression, race, ethnicity, religious beliefs, physical ability, or age have no place, and where any form of coercion or harassment that insults the dignity of others and interferes with their freedom to learn or work is unacceptable.

### ***b. Requirements for Departmental/Institutional Sub-Sites***

b.i. Middlebury's website is built using the institution's middlebury.edu domain. This website is an integrated-information system that provides information about the institution to external and internal audiences and enables access to institutional services and resources for research and scholarship for faculty, staff, and students.

b.ii. All appropriate departments at Middlebury must have a presence on the institutional website. Departmental sub-sites must conform to the design and content standards as defined by the [Office of Communications and Marketing](#).

b.iii. Departmental or institutional content hosted on other institution-supported websites and systems (such as blogs and wikis and course web pages) must follow the same guidelines as those applying to the institution's primary website.

Policies and guidelines for other types of sites, including student organization sites and personal pages can be found [here](#).

## **D.6. Whistleblower Policy**

### **Policy Statement**

Middlebury College has a deep commitment to responsible stewardship of its financial resources and accountability for the public and private support that enables the College to pursue its mission. Middlebury

College is committed to compliance with the laws and regulations to which it is subject, and to promulgate College policies and procedures to interpret and apply these laws and regulations in the College setting.

### **Reason for the Policy**

Middlebury College's internal controls and operating procedures are intended to detect and to prevent or deter improper activities. However, even the best systems of control cannot provide absolute safeguards against irregularities. Middlebury College has a responsibility to investigate and report to appropriate parties' allegations of suspected improper activities and the actions taken by the College.

### **Applicability of Policy**

It is important for all College employees, students, parents, alumni and other individuals to feel free to report facts which may indicate that a law, regulation or policy has been violated without fear of any form of reprisal or retaliation. To ensure unfettered, good faith reporting it is the policy of the College that no one who, in good faith, reports a suspected violation of law, policy or procedure will suffer any form of retaliation, or any adverse employment, academic or educational consequence on account of such report. It is the intention of the College to take whatever action may be necessary to prevent and/or correct violations of this policy.

### **Elaboration of Policy**

Any person who wishes to report suspected violations may do so by several different means. It is always recommended that reports be written. Written reports may be submitted to the appropriate vice president or dean with reporting authority over the area of concern.

The college has also created an anonymous reporting mechanism. The establishment of an anonymous "whistleblower" reporting mechanism will allow employees or others to anonymously report problems to management.

Consequently, the College has contracted with a third-party report recipient, called EthicsPoint, who will accept and process anonymous reports. Reports may be filed concerning matters involving various financial risks, environmental and safety matters as well as data privacy, conflict of interest and other issues.

If an individual wishes to make an anonymous report, instructions regarding the types of issues that may be reported anonymously and the procedures for making such a report may be found online at [www.middleburycollege.ethicspoint.com](http://www.middleburycollege.ethicspoint.com) or call the College hotline to report improper activities at 1-866-593-6965. The hotline is independently operated to help ensure confidentiality.

This policy does not fundamentally change the responsibility for conducting investigations. Individual employee grievances and complaints regarding terms and conditions of employment will continue to be reviewed under the applicable academic and staff personnel policies. The College retains the right to close a report within 30 days if insufficient information has been provided.

Whistleblowers shall refrain from obtaining evidence for which they do not have a right of access. Such improper access may itself be considered an improper activity.

Whistleblowers are "reporting parties," not investigators. They are not to act on their own in conducting any investigation activities, nor do they have a right to participate in any investigative activities other than as requested by investigators.

Any charges of faculty misconduct brought as a result of an investigation under this policy shall comply with established faculty conduct procedures.

Consultation with the College's general counsel is required before negotiating or entering into any restitution agreement resulting from the findings of an investigation.

## **Contacts**

For questions about the policy, contact:

Enterprise Risk Management  
Old Chapel  
Middlebury, VT 05753  
Phone: 802-443-5001  
[vprisk@middlebury.edu](mailto:vprisk@middlebury.edu)

## **Related Documents / Policies**

### **Code of Conduct for Employees**

<https://www.middlebury.edu/pages/ii-ug-college-policies/commun-policies/empl-conduct>

### **Misconduct in Research – Policies and Procedures**

<https://www.middlebury.edu/pages/ii-ug-college-policies/faculty/research-misconduct>

### **Anti-Harassment and Discrimination Policy**

[Anti-Harassment and Discrimination Policy](#)

*Updated May 3, 2019*

## **D.7. Policy on Scheduling Middlebury Space for Events**

The following requirements apply to all Middlebury locations, with the College and the Institute having separate meetings of their weekly review teams.

1. Middlebury students, student organizations, individual faculty and staff who wish to request space for an Event are required to submit a request to reserve space at least three (3) weeks prior to the proposed date. An "Event" includes events with invited speakers, events intended to attract more than 30 people, events needing additional resources, events anticipated to have significant community impact, demonstrations, and events with a potential for disruption. This policy is not intended to capture Middlebury's normal operations such as classes, meetings, athletic practices, rehearsals, etc.
2. The reservation request must identify a named individual who is responsible for the activity or event and will be present throughout the entire event, known as the "Event Host". If the person completing the reservation request is someone other than the Event Host, the named Event Host must still be present at the event.
3. Event Hosts are asked at the time of making a space reservation request whether there are any security concerns or unusual support requirements. Events Hosts are ordinarily responsible for the costs of their events.
4. Student organizations are required to discuss their events with their faculty or staff advisor, and will have to affirm that they have done so during the space reservation process.
5. Priority will be given by Events Management to timely requests for appropriate spaces, as well as to key events being organized by Middlebury's senior leadership.

6. Requests for space are reviewed weekly by staff from Student Activities, Event Management, Public Safety/Campus Security, and Communications.
7. Exceptions may be made for space requests for activities that present no unusual considerations or security concerns and/or are difficult to schedule more than 3 weeks in advance. Exceptions are made at the initial weekly review.
8. The initial safety review will flag space requests for events for which there is a reasonable concern that they will be subject to disruption, threats, violence, acts of intimidation, draw unusually large crowds or otherwise indicate that additional planning is necessary to protect the safety and security of the Middlebury community.
9. Space may be held but not be finally confirmed for requests that have been flagged for safety review until the review is completed.
10. Requests flagged by the initial review may be reviewed by Public Safety/Campus Security for consideration of an Incident Action Plan, additional information gathering, and/or feedback to the weekly review team.
11. If needed, Public Safety/Campus Security may convene the Threat Assessment & Management (TAM) Team on the appropriate campus to gather more information about the proposed event/activity and conduct a risk assessment. The TAM Team will consult with local law enforcement as appropriate, in order to advise the administration, and provide feedback to the weekly review team.
12. The TAM Team may require or recommend changes to the location, timing, entry practices, etc. to reduce risks to physical safety as well as to minimize the risk of disruption of essential operations. This review will include consideration of Middlebury's Emergency Preparedness Plan and the Emergency Operations Plan. The TAM Team may recommend or require the use of additional resources to adequately manage risks of the activity, including activating the Crisis Management Team (CMT).
13. In an exceptional case where the review, after application of risk mitigation strategies, indicates that the activity presents an imminent and credible threat to the physical safety of individuals that cannot be adequately mitigated, the president and the senior administration reserve the right to re-schedule or, if necessary, to cancel an event.

## E. Records

The subpages in this section apply to all members of the Middlebury community in all locations.

- [E.1. Student Privacy Rights Under U.S. Federal Law \(FERPA\)](#)
- [E.2. Access to Student Data for Research](#)

## Student Privacy Rights under U.S. Federal Law (FERPA)

The federal Family Educational Rights and Privacy Act (FERPA) ensures students can have access to education records maintained by Middlebury and defines conditions under which those records may be disclosed to others.

### 1. Definitions

**a. "Students."** "Students" are defined as those individuals who have applied for admission to Middlebury, were admitted, and are or have been enrolled in classes for credit in a Middlebury program. FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, do not enroll in classes for credit. In addition, rights are not given by FERPA to students enrolled in one component of Middlebury who seek to be admitted in another component (*e.g.*, a student who is enrolled in the undergraduate College, but is denied admission to one of the graduate programs, has education records at the College but not the graduate program).

**b. "Education Records."** "Education records" are those records, in hard copy or digital form, that are directly related to a student and that are maintained by Middlebury or by an official who serves Middlebury in an administrative, supervisory, academic, research, support staff or other position.

"Education records" do not include:

- i. Records of personnel that are in the sole possession of the maker, *e.g.*, a faculty member's grade book, or a dean's advising notes, or a temporary substitute. Shared information within an office or unit will be considered an "education record" subject to FERPA.
- ii. Records relating to individuals who are employed by Middlebury that are made and maintained in the normal course of business and relate exclusively to individuals in their capacity as employees, and are not available for any other purpose.
- iii. Records relating to a student that are (1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional capacity or assisting in a paraprofessional capacity; (2) used solely in connection with the provision of treatment to the student; and (3) not disclosed to anyone other than individuals providing such treatment (or to a physician or other appropriate professional of the student's choice).
- iv. Records that contain only information relating to a person after that person is no longer a student at Middlebury (*e.g.*, information gathered on the accomplishments of alumni).
- v. Records created and maintained by the Middlebury College Department of Public Safety or the Middlebury Institute's Campus Security Department for law enforcement purposes.
- vi. Attorney-client privileged records, such as communications for the purpose of seeking or receiving legal advice on behalf of Middlebury.
- vii. Any other records excluded from the definition of Education Records in FERPA.

**c. "Directory Information."** Middlebury determines the following to be student "directory information," which may be available to the public if the student has not restricted its release:

Name  
 Home address (while enrolled at Middlebury)  
 Campus address (if applicable)  
 E-mail address  
 Photograph  
 Dates of attendance and graduation  
 Class standing, *e.g.*, first-year student, sophomore, junior, or senior  
 Major field(s) of study  
 Degrees received  
 Honors and awards received

"Directory information" for purposes of FERPA is **\*\*not\*\*** the same as the information that is available in on-line Middlebury directories.

Students may opt out of any or all elements of "directory information" identified above, by contacting the Registrar (Vermont) or Records Office (California).

## 2. General Principles

**a. Confidentiality.** FERPA provides that education records and personally identifiable information about a student may not be disclosed without the student's written consent unless disclosure is permitted by certain exceptions under FERPA.

The student's written, signed consent must:

- Specify the records to be released;
- Identify the party or class of parties to whom the records should be released;
- Indicate the reason for the release.

**b. Access.** FERPA provides that students are permitted to inspect their own education records. A student has the right to:

- Inspect and review his or her education records;
- Request an amendment to an education record if the student believes there is an inaccuracy;
- Restrict the release of his or her "directory information" from public access;
- File a complaint with the U.S. Department of Education if he or she feels Middlebury has failed to comply with FERPA.

**c. Administering Office.** The [Office of the Registrar](#) is responsible for the administration of this policy for all Middlebury programs other than the Institute. The Records Office is responsible for the administration of this policy at the Middlebury Institute. Students and others who have questions regarding the treatment of specific information in a specific circumstance should contact a staff member in the appropriate Office.

### 3. Confidentiality

FERPA generally prohibits the release of confidential personally identifiable student data from education records, with limited exceptions that include "directory information" (see below), without the student's written, signed consent.

Personally identifiable student data, other than "directory information" for students who have not restricted its release, are confidential. Examples of confidential information include, but are not limited to, social security number, date of birth, ethnicity, gender, country of citizenship, class schedules (including meeting times and locations), grades, grade point averages, and parents' or guardians' names and addresses.

FERPA provides certain exceptions for the release of personally identifiable education record information without the student's written consent. These exceptions include:

*Directory Information.* "Directory information," as defined in section 1.c. above, may be made available to the public if the student has not restricted its release.

Middlebury will honor requests to withhold any one or more elements of "directory information."

Students should consider very carefully the consequences of any decision to withhold **all** "directory information." When a student instructs Middlebury not to release any "directory information," any future requests for such information from persons or organizations outside Middlebury will be refused, unless a legal exception applies, or unless the student subsequently revokes the restriction.

Requests for non-disclosure must be submitted in writing to the Office of the Registrar at Middlebury College or the Record Office at the Middlebury Institute. Forms for making such requests may be obtained from the appropriate Office.

*Legitimate Educational Interest.* Personally identifiable education record information may be disclosed without the student's written consent to a Middlebury official with a legitimate educational interest in the record. A Middlebury official is a person employed by Middlebury in an administrative, supervisory, academic or research,

support staff, or other position (including public safety and health staff at the College and Campus Security staff at the Institute); a person or company with whom Middlebury has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. An employee has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

*Other Exceptions.* Education record information may be disclosed without the student's written consent in various instances, including:

- a) To the student;
- b) If it is "directory information" and the student has not restricted its release;
- c) If properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding, in which case Middlebury will make a reasonable attempt to notify the student of the subpoena, in cases where FERPA applies, prior to the release of the information, unless the subpoena specifically directs that the student is not to be notified;
- d) In connection with the student's application or receipt of financial aid as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms or conditions of the aid;
- e) In connection with audits or evaluation of federal or state supported educational programs requiring disclosure of information;
- f) To effect collection of past due financial obligations to Middlebury;
- g) To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the Department of Education, the U.S. Citizenship and Immigration Services bureau of the Department of Homeland Security (with respect to international students), or state or local educational authorities;
- h) To the Veterans Administration to determine compliance with educational assistance;
- i) In connection with a health or safety emergency as determined by Middlebury;
- j) In certain circumstances to parents of financially-dependent students, at Middlebury's discretion;
- k) To officials of another school or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled provided the disclosure is for purposes related to the student's enrollment or transfer.

#### **4. Access**

A student has the right to inspect and review his or her education records within 45 days of submitting a written request to Middlebury for such access.

Middlebury College students wishing to review their records should submit to the Office of the Registrar a written notice to that effect. Registrar staff will notify the student of a convenient time for the review. Students at the Institute should submit to the Records Office a written notice to that effect. The Records Office will notify the student of a convenient time for the review.

FERPA does not provide the student with the right to access certain records, including:

- Parents' financial records used for financial aid purposes.



- Confidential letters and statements of recommendation placed in the student's education record prior to January 1, 1975, or confidential recommendations to which the student has given prior written waiver of access and which are used for job placement, admission, or award purposes.
- Records that fall into one or more exclusion from the definition of "education records."

## 5. Amendment of Records

A student may request amendment of the student's education records that the student believes are inaccurate, misleading, or in violation of the student's privacy rights.

A request for amendment of a student's education record should be submitted in writing by the student. The request should state what record the student believes is inaccurate or identify the part of a record the student wants changed, and should state why the student believes the record is inaccurate, misleading, or in violation of the student's privacy rights. If Middlebury decides not to amend a record as requested, Middlebury will notify the student of its decision and advise the student of his or her right to a hearing regarding the issue. Additional information regarding a hearing procedure will be provided to the student when notified of such decisions.

FERPA was not intended to provide a process to be used by students to question substantive judgments that are correctly recorded. The FERPA rights of challenge are not intended to allow a student to contest, for example, a grade in a course because he or she felt a higher grade should have been assigned. FERPA is intended to ensure the factual and accurate nature of the information in the student's education records and the student's right to verify that information.

If Middlebury decides, as a result of a hearing, not to amend the education record in accordance with the student's request, the student may place a written statement in the record commenting upon the information therein, and/or setting forth any reason for disagreement with the institutional decision not to amend the record. Such a statement will become part of the student's education record and will be disclosed with it.

## 6. Complaints

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920.

# E.2. Accessing Student Data for Research Projects

## Procedure regarding accessing student data

Prior to undertaking an independent research project, students need to be aware that

*- in compliance with FERPA and HIPAA, Middlebury College will not disclose personally identifiable information (e.g., including, but not limited to: GPA (overall, major, high school), health or financial aid information, admissions test scores) from a student's record to another student.*

Students who are interested in pursuing data related to student information for an academic (independent study and/or mentored research) project must:

- be enrolled in a credit bearing course (e.g., independent study) or a research project with an identified supervising faculty member
- submit his/her/their request for information to the [Dean of Students](#) (DoS)
- submit a letter of support from the faculty mentor

- submit a timeline for research completion

The request should also include the following:

Research question and hypotheses/predictions

Clear articulation of the variables of interest

Clear articulation of how the information will be used and disseminated

The request must be submitted at least a month before the start date of the semester in which the student plans to undertake the project.

Following receipt of the request, the DoS will consult with the Director of [Assessment & IR](#) (AIR) and other relevant administrators (e.g., Director of Athletics, Executive Director of Parton Center for Health and Wellness, Chief Diversity Officer) about the request and make an initial determination whether the request should be considered.

The Director of AIR will also make a determination as to whether the requested data can be compiled within the student's proposed timeframe.

Based on the information provided, the [DoS](#) and Director of [Assessment & IR](#) will, in accordance with FERPA and HIPAA rules:

Identify whether and how the requested information can be shared (unit record or aggregated data). In cases where maintaining anonymity of a student is questionable, aggregate data will not be shared.

When sensitive information is being sought, the DoS and Director of AIR will share the information, as necessary, before it is released with the Senior Leadership Group or a subset of that group.

The DoS will respond to the student and supervising faculty member about the outcome of a request.

When a request for data is approved:

- Student submits an [IRB](#) proposal to the committee and send of copy of the proposal to DoS
- Upon IRB approval, the information will be made available in a timeframe that is feasible for Office of AIR and their workload

Upon completion of the project, student will submit copies of completed work (e.g., paper, presentation, etc.) to DoS.

Student(s) requests for information for reasons other than independent study and faculty mentored academic research projects will not be reviewed.

## F. Required Disclosures

Middlebury College and the Middlebury Institute of International Studies at Monterey provide the following information in accordance with the disclosure requirements for institutions participating in federal financial aid programs under Title IV.

The Higher Education Opportunity Act (HEOA) was enacted on August 14, 2008 and reauthorizes the Higher Education Act of 1965, as amended (HEA). Middlebury College and the Institute, in compliance with student

consumer information regulations, is making the information at the links below available to prospective students, parents, prospective staff, current students, current staff, and the public.

[Middlebury College](#)

[Middlebury Institute of International Studies at Monterey](#)

## G. Misconduct in Research and Other Scholarly Activities

### A. Policy Statement

Middlebury is committed to fostering an environment in which the highest ethical standards in the conduct of research and other scholarly activities are followed. The primary responsibility for maintaining such standards of honesty in the pursuit and dissemination of knowledge rests with the researchers. An individual engaged in research and other scholarly activities must be aware of the ethical standards governing his/her discipline and of applicable regulations and conduct himself/herself accordingly. Members of the Middlebury community should report conduct that they believe in good faith constitutes misconduct in research or other scholarly activities. Protection shall be provided to whistleblowers through provisions in this policy and Middlebury's [Whistleblower](#) policy.

### B. Definitions

"Research misconduct" means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. For purposes of this Policy, the term "research" encompasses both research and scholarship. Misconduct includes retaliation of any kind against a person who in good faith reports or provides information about possible misconduct. Research misconduct does not include honest error or differences of opinion.

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

"Complainant" refers to the person who has made the allegation of research misconduct.

"Respondent" refers to the person who allegedly engaged in research misconduct.

### C. Policy

#### 1. Introduction

Academic integrity is one of Middlebury's [three pillars](#). Without integrity, we could not justify the privilege of academic freedom intrinsic to scholarship and education, nor could we provide to society the advancements of knowledge that derive from free and open inquiry. This policy is designed to address important issues of academic integrity that arise in academic life and to ensure Middlebury's compliance with applicable federal law. While no single policy can guarantee responsible research conduct, this Policy serves to set the high standards of integrity that Middlebury expects from all faculty, trainees, staff and students.

Consistent with Middlebury's core values and all applicable federal regulations (including but not limited to 42 CFR Parts 50 and 93) this Policy describes the behavioral expectations of faculty, staff and students, involved in research and scholarship, as well as the procedures to be followed in response to allegations of research misconduct (as defined below) involving a faculty member or staff researcher. Allegations of students' misconduct shall be referred to the Student Research Integrity Officer (SRIO) for consideration according to established procedures. In cases where alleged student misconduct is in connection with work on a federal or other externally-sponsored project, the SRIO shall notify the Research Integrity Officer (RIO) of the progress of proceedings so that any required reports to the relevant federal agency can be made in a timely manner.

## **2. Prohibition on Research Misconduct**

Any of the defined forms of research misconduct are prohibited as inconsistent with Middlebury's requirements of academic integrity for all members of the Middlebury community and shall be subject to sanction under this or other applicable policies.

## **3. Reporting**

All members of the institution (faculty, staff and students) have a responsibility to report observed, suspected, or apparent research misconduct to the appropriate RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem, as appropriate. At any time, an institutional member may have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.

## **4. Cooperation**

Faculty and staff members, including Respondents and Complainants, as well as students, shall cooperate with the RIO and other institutional officials in the review of allegations of research misconduct and the conduct of inquiries and investigations. All have an obligation to provide evidence relevant to allegations of misconduct to the RIO or other institutional officials.

## **D. Procedures for Responding to Allegation(s)**

Because the allegations of misconduct may differ, the procedures outlined below provide a broad framework for assessing and investigating allegations. In all cases when research is funded by an external sponsor, the regulations of that sponsor will take precedence. All proceedings shall be kept as confidential as possible, while complying with federal, state or other requirements. Minutes of all proceedings shall be maintained by the RIO and provided as necessary to relevant federal agencies or offices as required by law. Middlebury reserves the right to designate alternate officials as needed to address possible conflicts of interest, absences, etc. Ordinarily, any investigation will be completed within 180 days from the date of the allegation of research misconduct to the RIO unless specific circumstances warrant additional time.

1. Guiding Principles: Throughout the inquiry, investigation, and implementation of any administrative actions or other resolution, all participants must bear in mind several considerations:
  1. The importance, in fact and appearance, of fairness, objectivity, and reasonable expediency;
  2. Protecting, to the maximum extent possible, the privacy of those who in good faith report alleged misconduct;
  3. Protecting, to the maximum extent possible, the rights and privacy of the Respondent, including the right to be informed of the alleged misconduct, of the evidence in support of the allegation of research misconduct, and other procedures to be followed;

4. The importance of ensuring that the professional interests and integrity of the Respondent are respected; and
  5. The importance of consulting with outside agencies or institutions which have an interest in the research in question.
2. Assessment: Upon receiving an allegation of research misconduct, the RIO shall assess the allegation to determine whether it warrants an inquiry. An inquiry is warranted if the allegation:
1. falls within the definition of research misconduct as set forth herein; and
  2. is sufficiently credible and specific so that potential evidence of research misconduct may be identified.
3. Interim Actions: At any stage in the process, the RIO shall have the authority to take interim action as needed, which may include additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or of the responsibility for the handling of federal funds and equipment, additional review of research data and results, and/or delaying publication. In case of any one of the following circumstances, the relevant federal agency or office, or sponsoring organization, shall be notified immediately. Interim action may be warranted if the RIO has reason to believe that:
1. the health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
  2. federal resources or interests are threatened;
  3. the research activities should be suspended;
  4. there is a reasonable indication of possible violations of civil or criminal law;
  5. federal action is required to protect the interests of those involved in the research misconduct proceeding;
  6. the research misconduct proceeding should be made public prematurely in order for federal action to be taken to safeguard evidence and protect the rights of those involved; or
  7. the research community or public should be informed.

#### 4. Inquiry

1. Notification and Evidentiary Matters: If an inquiry is warranted, the RIO shall, at the time of or before beginning an inquiry:
  - i. notify the Respondent(s) of the allegation and intended inquiry; and
  - ii. to the extent it has not already been done at the assessment stage, promptly take all reasonable and practical steps to collect of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO shall collect and/or take custody of any additional items as they become known or relevant to the proceedings.
1. Inquiry Committee:
  - i. The inquiry will be conducted by a committee, appointed by the RIO, consisting of a minimum of three persons with appropriate experience and/or background to judge the issues being raised. Standing committees that deal with research issues (e.g., Institutional Review Board for Human Subjects Research, Institutional Animal Care and Use Committee) may be used as one source for members of an inquiry committee. Committee members may be from within or outside the Middlebury community and must have no real or apparent conflicts of interest bearing on the inquiry.
  - ii. The RIO will also sit with the committee as a non-voting member.
  - iii. The inquiry will ordinarily be completed within 60 days and a report made to the Deciding Official (DO.) All specific requirements concerning timing, reporting, documentation, and confidentiality will be met, in accordance with the appropriate federal regulations or the policies of any agency or organization funding the research.

## 1. Inquiry Committee's Charge

- i. The Inquiry Committee shall conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation. An investigation is warranted if:
  - 1. there is reasonable basis for concluding that the allegation falls within the definition of research misconduct as defined herein; and
  - 1. the allegation may have substance, based on the preliminary information-gathering and fact-finding.
  - 1. Inquiry Report: The RIO will prepare a written Inquiry Report which, at a minimum, shall contain the information set forth in Exhibit B. The RIO shall notify the Respondent whether the Inquiry Committee found that an investigation is warranted and provide the Respondent an opportunity to review and comment on the draft Inquiry Report. Any comments received from the Respondent shall be attached to the final Inquiry Report. The RIO may also notify the Complainant whether the inquiry found that an Investigation is warranted and provide relevant portions of the report to the Complainant for comment.
  - 1. DO Determination Whether to Conduct an Investigation: The RIO will deliver the Inquiry Report, on behalf of the Inquiry Committee, to the DO. The DO will receive the Inquiry Report and, after consulting with the RIO and/or other institutional officials, decide whether an investigation is warranted under the criteria set forth in Section 3-1 above. A finding that an investigation is warranted must be made in writing by the DO. Applicable regulatory requirements concerning timing, reporting, documentation, and confidentiality will be met, as well as any contractual requirements imposed by the funder.
  - 1. Records of Inquiry: Detailed documentation of the inquiry must be retained for seven (7) years after termination of any inquiry, regardless of outcome.

## 5. Investigation

1. Timing of Investigation: If warranted, an investigation should commence within 30 days of the DO's determination, and shall ordinarily be completed within 120 days unless circumstances warrant additional time. Applicable regulatory requirements concerning timing, reporting, documentation, and confidentiality will be met, as well as any contractual requirements imposed by the funder.
2. Notification and Evidentiary Matters: If an investigation is warranted, the RIO shall, within a reasonable amount of time of the determination and before the investigation commences:
  - i. notify the Respondent(s) in writing of the investigation, including written notice of any new allegations not previously addressed; and
  - ii. to the extent it has not already done so at the assessment or inquiry stage, take the actions described under Section 2.2. above.
1. Investigative Committee: The RIO will appoint an Investigative Committee in consultation with the DO, using the same criteria of research expertise and lack of personal relationship or conflict of interest with the parties involved, as required above for the Inquiry Committee. The RIO will sit with the committee as a non-voting member. The DO shall have no direct involvement in the investigation. The Investigative Committee shall consist of a minimum of three persons. The Respondent shall be informed of the membership of the Investigative Committee.
2. Investigation: The Investigative Committee and RIO shall undertake a careful and thorough review of the facts of the allegation and take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical. The Committee and RIO must:

- i. interview each Respondent, Complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the Respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation;
  - ii. pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion;
  - iii. evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent of it and who was responsible;
  - iv. If raised, Respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion
  - v. The Investigative Committee shall determine whether a preponderance of the evidence establishes that:
    - 1. research misconduct, as defined by this Policy, occurred
    - 1. the research misconduct is a significant departure from accepted practices of the relevant research community; and
    - 1. the Respondent committed the research misconduct intentionally, knowingly, and/or recklessly.
  - vi. Informing Respondent: The Respondent shall be kept informed by the RIO of the procedures to be followed and of the nature of the evidence presented, and shall be given the opportunity to appear before the Investigative Committee to respond to the allegation(s).
  - vii. Documentation: The RIO shall use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of the allegations.
  - viii. Investigation Report: The Investigative Committee, shall produce a written Investigation Report, which shall include, at a minimum, the information set forth in Exhibit C. The Investigative Committee must provide the Respondent and the Complainant a reasonable opportunity to review and comment on the draft Investigation Report and, concurrently, the Respondent must be provided with a copy of, or supervised access to, the evidence on which the report is based. Any comments of the Respondent or the Complainant must be submitted within 30 days of the date on which the draft was provided to the commenter. The Investigative Committee shall consider all comments received before issuing its final report.
6. Deciding Official (DO) Determination and Administrative Actions: The Investigative Committee will submit its report to the DO. The DO will determine in writing:
1. whether the institution accepts the Investigative Committee's report, its findings, and the recommended institutional actions; and
  2. the appropriate institutional actions in response to the accepted findings of research misconduct.
  3. If the DO determines that research misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the RIO and other Middlebury officials. If this determination varies from the findings of the Investigative Committee, the DO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the investigative committee. Alternatively, the DO may return the report to the Investigative Committee with a request for further fact-finding or analysis.
7. Actions Following Conclusion of Investigation: When a final decision has been reached:
1. the RIO shall notify both the Respondent and the Complainant in writing;
  2. the DO shall ensure, and may direct the RIO to implement, that the final Investigation Report, the findings of the DO and a description of any pending or completed administrative actions are provided to any relevant federal agency or office or sponsoring organization, as required or appropriate;



3. the DO shall determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the Respondent in the work, or other relevant parties should be notified of the outcome of the case;
  4. both the DO and the RIO are responsible for ensuring that Middlebury staff, faculty and students cooperate with any further federal, state, and/or sponsor investigations, proceedings or sanctions.
  5. the DO shall determine whether the finding of research misconduct under this policy should be considered an allegation of faculty (or staff) misconduct that must then be separately considered under the terms any faculty (or staff) misconduct policies at Middlebury for potential additional sanctions.
8. **Right to Appeal:** A faculty or staff member found to have committed misconduct in research and against whom sanctions are imposed by the DO may appeal the DO's decision to the Provost of Middlebury College, or their designee. The appeal must be filed within 10 days of the DO's decision. All specific requirements concerning timing, reporting, documentation, and confidentiality of appeals will be met, in accordance with the appropriate federal regulations or the policies of any agency or organization funding the research.
9. **Confidentiality; Retaliation: Protection of Respondent's Reputation.**
1. **Confidentiality:** Throughout the proceedings, the RIO and all participants in the proceedings shall, to the extent possible, limit disclosure of the identity of Respondent(s) and Complainant(s) to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and, except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO may, in their discretion, arrange for a witness (other than the Complainant) to provide information confidentially in compelling circumstances. Notwithstanding the foregoing,
    1. the identity of Respondent(s) and Complainant(s) will be disclosed to any federal agency or other sponsor that requires such disclosure, which may result in the information becoming a public record, and
    2. administrative hearings of the federal agencies are open to the public.
  2. **Retaliation:** Faculty, staff members, or students may not retaliate in any way against Complainants, witnesses, or committee members. Any alleged or apparent retaliation against Complainants, witnesses, or committee members shall be reported to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.
  3. **Protection of Respondent's Reputation:** After the proceeding and as appropriate, the RIO and other institutional officials shall make reasonable efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct but against whom no finding of research misconduct is made.
10. **Allegations Not Made in Good Faith:** If relevant, the DO will determine whether the Complainant's allegations were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines that there was an absence of good faith, he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

## **E. Roles and Responsibilities**

The Vice President of Academic Affairs and Dean of the relevant Middlebury program has the responsibility for final determinations regarding allegations of research misconduct and implementing institutional administrative action. The VPAA's are therefore the "Deciding Official" for cases arising within their program (the VPAA/Dean of the Faculty for College faculty, the VPAA/Dean of the Institute for the Institute faculty, and the VPAA/Dean of the Language Schools for Language Schools faculty) as that term is used in federal regulations and within this Policy.

The Research Integrity Officer (RIO) has primary responsibility for implementation of these policies and procedures. The RIO is responsible for minutes of all proceedings, as well for ensuring that Respondent(s) promptly receive all the notices and opportunities to present their case, consistent with this Policy. The RIO at

the College shall be the Dean for Faculty Development and Research (DFDR) who will also be the RIO of record for the Public Health Service-Office of Research Integrity; at the Institute and Schools the RIO, ordinarily a faculty member, shall be designated by the VPAA, in consultation with the DFDR. The RIO's responsibilities under this policy are summarized in Exhibit A. The RIO may consult with appropriate staff as needed, such as the General Counsel, compliance staff, etc.

The Student Research Integrity Officer (SRIO) is the institutional official responsible for all student activities including student discipline, ordinarily the Vice President for Student Affairs. The RIO will determine the appropriate SRIO for any situation involving students.

## **F. Policy Contact**

Research Integrity Officer, Dean of Faculty Development & Research

## **G. Related Forms and Information:**

[Summary of RIO's Responsibilities](#)

[Contents of Inquiry Report](#)

[Contents of Investigative Report](#)

# **II. Policies for the Undergraduate College**

Policies in this section and its subsections are specifically for members of the undergraduate college community in Middlebury, Vermont.

- [A. Policies for the College Community](#)
- [B. Policies for Undergraduate College Students](#)
- [C. Faculty Handbook](#)
- [D. Employee Handbook](#)

## **A. Policies for the College Community**

**Please select from the following content:** ↻

- [A.1. Community Bias Response Team Policy](#)
- [A.2. Community Council](#)
- [A.3. Code of Conduct for Employees](#)
- [A.4. Departmental Student Advisory Councils](#)
- [A.5. Middlebury Staff Council \(MSC\) Constitution](#)
- [A.6. Pet Policy](#)
- [A.7. Reimbursable Moving Expenditures](#)
- [A.8. Committee on Art in Public Places](#)

## **A.1. Community Bias Response Team Policy**

*In effect as of September 1, 2016*

## [Overview](#)

### [What is Bias?](#)

### [Other Applicable Information](#)

- [Harassment](#)
- [Hate Crime](#)
- [Community Standards](#)
- [Anti-Harassment/Discrimination Policy](#)
- [Nondiscrimination Statement](#)
- [Notice](#)
- [Confidentiality](#)
- [Disclosure Required by Law](#)
- [Disclosure to Law Enforcement](#)
- [Retaliation](#)

### [Additional Resources](#)

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## Overview🔗

Middlebury is committed to maintaining a diverse and inclusive campus environment where bigotry and intolerance are unacceptable.

The Community Bias Response Team (CBRT) is charged with assessing and communicating an appropriate and comprehensive institutional response to bias incidents and acts of intolerance involving students. The CBRT will involve other members of the community in its response when appropriate. The CBRT's goal is to take appropriate measures in responding to bias incidents and to provide educational interventions to the Middlebury community.

The CBRT does not have the authority to conduct disciplinary proceedings or impose discipline on students, staff or faculty. Disciplinary matters will be referred and handled in accordance with Middlebury's policies, as applicable. Accordingly, complaints of misconduct should be addressed as follows:

- Complaints of misconduct related to the behavior of students should be directed to a [Judicial Affairs Officer](#);
- Complaints of misconduct related to the behavior of staff members should be directed to [Human Resources](#);
- Complaints of misconduct related to the behavior of faculty members should be directed to the [Dean of the Faculty](#).

Concerns of potential harassment or discrimination prohibited by Middlebury's Anti-Harassment/Discrimination Policy should be directed to a [Human Relations Officer and/or the Title IX Coordinator](#) for review. When the CBRT is informed of conduct that could potentially violate Middlebury's Anti-Harassment/Discrimination Policy, the CBRT will so inform the Title IX office.

Additional information about the CBRT and its members can be found [here](#).

## What is bias?🔗

Middlebury defines a bias incident as a single act or multiple acts directed toward an individual or group on the basis of actual or perceived race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex,

sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive-HIV-related blood test results, disability, culture, socio-economic status, spirituality or any combination of these or other related factors, with the purpose or effect, from the point of view of a reasonable person, of negatively impacting another. Bias incidents include, but are not limited to: slurs, degrading language, epithets, graffiti, vandalism, intimidation, symbols, and harassment; that are directed toward or affect the targeted individual or team. Incidents of bias may contribute to a hostile campus environment and can occur even if the act itself is unintentional or delivered as a joke, prank, or having humorous intent.

This definition is meant neither to proscribe nor to inhibit discussions in or out of the classroom of complex, controversial, or sensitive matters such as those listed above.

Note: This definition of a bias incident is intentionally broad to reflect our values to create and sustain an inclusive, safe, and productive community for all of our members.

## Other Applicable Information<sup>↗</sup>

### Harassment<sup>↗</sup>

In accordance with Middlebury's Anti-Harassment/Discrimination policy, harassment is defined as verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, marital status, or other characteristics as defined and protected by law in the location where a particular program is operating, that has the purpose or effect, from the point of view of a reasonable person, of objectively and substantially:

- a. undermining and detracting from or interfering with an individual's educational or work performance or access to Middlebury resources; or
- b. creating an intimidating, hostile, or offensive educational, work, or living environment.

Harassment may include repeated slurs, or taunts in the guise of jokes, or disparaging references to others, use of epithets, stereotypes, comments, gestures, threats, graffiti, display or circulation of written or visual materials, taunts on manner of speech, and negative reference to customs when such conduct is based on or motivated by one or more of the protected characteristics identified above, or other characteristics as defined and protected by applicable law.

In Middlebury's Vermont programs, harassment may also include conduct of the type described above that is based on or motivated by a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability, which has the type of purpose or effect described above.

See also "[Sexual Harassment](#)" as defined by Middlebury's Anti-Harassment/Discrimination policy.

Possible incidents of harassment should be directed to the [Title IX Coordinator, a Human Relations Officer](#) or [Public Safety](#).

### Hate Crime<sup>↗</sup>

Vermont law defines a hate crime as any crime maliciously motivated by the victim's actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, disability, sexual orientation or gender identity (13 V.S.A Sec. 1455). Hate crimes may include attempted crimes. Common hate crimes include:

- Assaults (hitting, punching, spitting)

- Disorderly Conduct (public threatening behavior)
- Unlawful Mischief (property crime)
- Harassment by telephone (including repeated hang up calls)

Possible incidents of hate crimes should be directed to the [Title IX Coordinator, a Human Relations Officer](#) or [Public Safety](#).

## **Community Standards**

Please see the full text of Middlebury's [Community Standards](#).

## **Anti-Harassment/Discrimination Policy; Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking**

For information on filing reports under these policies, please refer to the following links:

[Anti-Harassment/Discrimination Policy](#)

[Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking](#)

## **Non-Discrimination Statement**

Middlebury College ("Middlebury") complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law. Middlebury also complies with all other anti-discrimination protections that might be provided by particular states in which it operates educational programs; questions about the scope of any such protections should be addressed to the [Compliance Officer/Title IX Coordinator](#) and/or the on-site administrative representative for the particular program at issue. The Compliance Officer/Title IX Coordinator coordinates Middlebury's efforts to comply with any and all federal and state laws that prohibit discrimination on the basis of one or more of the protected characteristics listed above. Discrimination complaints are processed in accordance with the procedures set forth in Middlebury's [Anti-Harassment/Discrimination Policy](#).

## **Notice**

Nothing in this policy alters, amends, or modifies Middlebury's Student Life Policies, the College Handbook (including but not limited to Middlebury's Anti-Harassment/Discrimination policy and Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking), and/or other applicable Middlebury policies. If any conflict or apparent conflict exists, Middlebury's Student Life Policy, College Handbook, and/or other applicable Middlebury policy controls.

## **Confidentiality**

All reports under this policy will be handled in a sensitive manner. Information will be shared with others only to the extent necessary to assess and manage the situation in compliance with Middlebury policies, or state and federal law.

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional, religious advisor or MiddSafe advocate. The medical, mental health, religious professionals and MiddSafe advocates at Middlebury and their off-campus counterparts respect and

protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have to disclose information when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (e.g., any allegation of sexual and/or physical abuse of a person under 18). These exceptions to confidentiality are governed by the law of the state in which the confidential resource is located.

An individual who exclusively reports allegations to a confidential resource must understand that Middlebury may be unable to evaluate the allegations and/or pursue disciplinary action against any individual who may have engaged in prohibited behavior.

The CBRT will handle information with sensitivity and discretion. However, the CBRT may need to disclose allegations and/or other information (including the identity of parties and/or witnesses) to the extent necessary to allow Middlebury to proceed with an investigation and/or adjudication under applicable policies.

### **Disclosure Required by Law**

Middlebury will not include the names of complainants or other identifying information in publicly available reports that are compiled as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Middlebury is part of a larger community, and a variety of additional factors and/or legal requirements may apply. As an example, if there is an investigation, lawsuit, or criminal proceeding related to a bias incident or hate crime, the parties, witnesses, and/or Middlebury officials may be required by law to provide testimony or documents (e.g., investigation reports, witness statements, and any other information gathered or obtained in the course of a particular matter).

### **Disclosure to Law Enforcement**

In certain circumstances, Middlebury may report an incident to law enforcement authorities. Such circumstances include but are not limited to incidents that warrant the undertaking of safety and security measures for the protection of the individual and/or the campus community, or situations in which there is clear and imminent danger and/or a weapon may be involved. Complainants may always choose to notify authorities directly with or without Middlebury's assistance, or may choose not to notify such authorities.

### **Retaliation**

Retaliating directly or indirectly against a person who has in good faith made a report under this policy or who has supported or participated in an investigation related to a bias incident is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop the report or not participate in the investigation, or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Depending on the circumstances, retaliation may be unlawful, whether or not the report is ultimately found to have merit. An individual who engages in retaliation under this policy will be subject to discipline in accordance with the College's Handbook, Student Life Policies/General Disciplinary Processes, Anti-Harassment/Discrimination policy, or other policies applicable to the program at issue.

### **Additional Resources**

For additional resources for targeted persons of bias incidents or hate crimes, please click [here](#).

## **A.2. Community Council**

The Community Council serves as a forum in which all the segments of the College community: administration, faculty, staff, and students, have a voice on nonacademic issues facing the College. With this representative membership, Community Council deliberations and decisions take into consideration the interests and concerns of the whole community. The diverse membership assures that each member of the council hears and understands the views of the other sections of the community, thus linking the four groups that compose the Middlebury College community.

The Community Council has a dual role in the College governance structure. Sometimes the council makes decisions and then implements those decisions as College policy. On certain matters, the council serves as an advisory body to the president and the administration.

Community Council meetings follow a basic Robert's Rules of Order format.

## 1. Authority

- a. The Community Council considers policies and issues in all areas pertaining to the nonacademic life of the College in which students, faculty, and/or staff share mutual concerns.
- b. The Community Council may recommend actions to the president and administration on matters in which the council has an interest, but cannot be held accountable (legally or financially) for the consequences of decisions made. Examples include handbook policy changes and creation/termination of social/academic interest houses. The Council also receives questions or matters for deliberation from the President and the Senior Leadership Group. In this consultative capacity, the Council will offer direct feedback to the President and SLG, and will frequently reach out to others for input before forwarding the opinion(s) of the Council.

## 2. Legislated Duties

### a. Responsibilities

- i. Through its representative to the Judicial Board Selection Committee, Community Council provides input and may make recommendations for student membership of the Community Judicial Board, the Academic Judicial Board, and the Judicial Appeals Board.
- ii. *Oversight of residential issues:* Community Council may hear an annual report from the Inter-House Council (IHC) early in the year concerning the role of each house in the residential system of Middlebury and biannually a report from each social and academic interest house about their engagement with the College community and compliance with the College policy. (see Residential Life Committee below.)

### b. Delegated Responsibilities

#### Residential Life Committee

The mission of the committee:

1. Serve as a broad forum and advisory group for discussions of residential policy including but not limited to residential housing, off-campus housing, all gender housing policy, room draw, residential life staff and training, and social, special interest and academic interest houses including the super block system.
2. Conduct reviews every other year, in alternating years, of the College's Social House and Academic and Special Interest House systems. Reviews will include the house's statement of goals, the programs the house has conducted in support of those goals, and the house's compliance with College policy. Based on this review, the Residential Life Committee may recommend to Community Council that a house be continued; be continued with conditions (provisional status); or be discontinued.
3. In addition to overseeing compliance with College policy, this committee will take on special projects as requested by Community Council.



The Residential Life Committee may also make recommendations to the Community Council for updating guidelines and regulations for residential students, consider social and interest house grievances, and make appropriate recommendations to the Community Council in response to such grievances. In addition to house review meetings, the committee will meet as needed, normally twice each month during the academic year (October – May).

The Community Council will meet with the Residential Life Committee as needed to consider recommendations. When a recommendation has been made to discontinue a house, house members will be invited to the Community Council meeting for a full discussion. This does not preclude Community Council from taking independent action to sanction or recommend the discontinuation of a house.

The membership of the Residential Life Committee will be: one faculty member from the Community Council, one staff member from the Community Council, two student members of the Community Council, and the Residential Systems Coordinator. The committee will be chaired by a designee from the Office of the Dean of Students. In addition, the committee may have representation from the following areas: student residential life staff; Commons administrative team; Custodial / Facilities Services; Dining Services; Department of Public Safety; Inter-House Council; and SGA First-Year Senator, as appointed from time to time by Community Council.

#### c. Appointments

i. *Community Judicial Board and Academic Judicial Board.* Early in the spring semester, the Community Council will appoint one of its student members and one of its faculty or staff members to serve on the committee that selects the students members of the judicial boards. For more information, please see “[Student Life: General Disciplinary Processes](#).”

#### d. Recommendations

i. The Community Council recommends to the president policies in all areas pertaining to the nonacademic life of the College in which students, faculty, and/or staff share mutual concerns. This includes changes to current College policy as presented in this *Handbook*.

iv. With respect to social houses and academic interest houses, the Community Council:

(a) Recommends action or changes in policy concerning the houses when the deans and one or more of the houses have an unresolved disagreement, or when a member of the community files a complaint against a house with the council or suggests policy changes.

(b) Recommends to the president the creation or termination of a house.

### 3. Other Duties

a. The Community Council may hear any proposals brought forth by members of the College community concerning nonacademic issues that affect members of the community. Action may be taken on submitted proposals according to the guidelines established in section 1 above.

b. The Community Council itself may initiate discussion on any nonacademic issue affecting the College community. Action may be taken according to the guidelines established in section 1 above or the council may encourage other appropriate groups to consider the issue in question.

### 4. Composition

#### a. Membership

There are 19 voting members of the Community Council:

- i. The VP for Student Affairs (or designee)
  - ii. Four administrative staff appointments
  - iii. Three members of the faculty
  - iv. The vice president of the Staff Council, who serves as the Staff Council representative
  - v. The president of the Student Government Association
  - vi. The student co-chair of the Community Council
  - vii. Eight other students.
- b. Appointment of Members
- i. The three faculty members are appointed by the Faculty Council.
  - ii. The four administrative staff members are appointed by the president in consultation with the Staff Council.
  - iii. The student co-chair is elected by the student body.
  - iv. The additional student members are selected by the co-chairs of CC on the basis of a competitive application process. The roster of student members is ratified by the Student Government Association.
- The VP for Student Affairs (or designee) and the elected student serve as co-chairs of Community Council.

### **A.3. Code of Conduct for Employees**

The success of Middlebury College depends not only on the competence of its faculty and staff, but also upon its reputation for honesty, integrity, and lack of bias in conducting its affairs. This Code of Conduct identifies basic policy and standards concerning ethical conduct and provides guidance in several areas of specific concern. Each employee of Middlebury College is expected to adhere to these standards of conduct.

Other expectations for Middlebury College faculty and staff are covered in other sections of the Handbook, for example the employee handbook and faculty handbook chapters, and the policies on appropriate use of Web pages and electronic mail in the library and information services chapter.

#### **General Principles**

Middlebury faculty and staff should conduct themselves ethically, honestly, and with integrity in all dealings. They need to be fair and principled in their official interactions and to act in good faith in these matters with others both within and outside the Middlebury community. They should act with due recognition of their position of trust and loyalty with respect to the College and its students, fellow employees, research sponsors, and donors. When in doubt about the propriety of a proposed course of action, they should seek counsel from those colleagues, supervisors, or administrators who can assist in determining the right and appropriate course of conduct.

#### **Proper Use of College Property and Funds**

Middlebury faculty and staff must see to it that College resources are not used for other than their intended purposes. College employees have an obligation to manage the institution's resources prudently, with a responsibility to those who provide those resources, including students, parents, alumni, foundations, other

donors, and government agencies. Faculty and staff are responsible for safeguarding the tangible and intangible assets of the College that are under their control. College resources may not be converted to personal use, either for oneself or another person. College funds may not be used to make contributions to candidates for public office, to political parties, or to other political organizations that are organized and operated primarily to accept contributions and make expenditures for the purpose of influencing the selection, nomination, election, or appointment of any individual to federal, state, or local public office or office in a political organization, or the election of Presidential electors. College funds may not be used to support defamation.

### **Accuracy of Records and Reporting**

The records, data, and information owned, used, and managed by the College must be accurate and complete. The accuracy and reliability of financial reports is of the utmost importance to the business operations of the College. Faculty and staff must record, allocate, and charge costs accurately and maintain supporting documentation as required by established policies and procedures. All reports, vouchers, bills, invoices, payroll information, personnel records, and other essential business records must be prepared with care and honesty.

### **Grants and Contracts**

Members of the faculty and staff requesting funding from government agencies, corporations, foundations, and other granting organizations have an affirmative obligation to make full, accurate, and honest representations concerning all relevant information submitted to or requested by the granting organization. Accurate and complete records, including supporting documentation as required by the granting organization, of the uses to which grant funds are put must be maintained.

### **Confidential Information**

Members of the faculty and staff may be privy to confidential information in the course of their daily work. This information may relate to, among others, students, parents, alumni, donors, employees, and candidates for positions on the faculty or staff. All College employees must safeguard confidential information. This includes ensuring that confidential documents, in either paper or electronic form, are not left unattended; refraining from engaging in discussion of confidential information in forums where the information may be overheard; and protecting the privacy of past and present students, faculty, and staff by maintaining the confidentiality of student and employee records.

### **Conflicts of Interest**

Members of the faculty and staff should avoid improper conflicts of interest that might compromise the integrity and objectivity of the College. Examples of situations involving potential conflicts of interest include working for the College as an outside vendor; using information that the College considers privileged or confidential for the benefit of a person or entity outside the College; utilizing discounts allowed to the College for personal gain; and soliciting for oneself or for a third party anything of value from any person or entity in return for any business or service provided by the College.

Financial conflicts of interest (for example, an employee's participating in the ownership or management of an entity that regularly does business with the College) should be disclosed, reviewed, and appropriately managed or eliminated. No member of the faculty or staff may approve, recommend, or promote a business transaction with a firm in which that person is an officer or senior management employee, or holds more than a 5 percent equity interest, unless such person first discloses in writing the business relationship and the circumstances of the contemplated activity to the Office of the Executive Vice President and Treasurer.

No member of the faculty and staff shall solicit anything of value in return for influencing or exercising his or her discretion in a particular way on a College matter. Faculty and staff should not accept any material gift, gratuity, or other payment, in cash or in kind, from a vendor currently doing business with the College or seeking to do so. Members of the faculty and staff may not solicit or receive discounts or rebates on goods and services offered to them in their private capacity by vendors to the College that exceed those generally available to other

customers. Exceptions to this general provision include unsolicited gifts of a nominal value given at holidays, birthdays, weddings, and other commonly recognized social occasions.

### **Antitrust**

Members of the faculty and staff may not improperly collude with other entities, including other colleges and universities, in matters affecting the financial or administrative decisions of the College.

### **Compliance with Laws and Regulations**

Members of the faculty and staff are expected to transact College business in compliance with all federal, state, and local laws and regulations related to their positions and areas of responsibility, including, but not limited to, equal employment opportunity, fair employment practices, and nondiscrimination laws; laws regarding the privacy and confidentiality of employee and student records; and laws regarding workplace safety, workplace policies and regulations, and occupational health. Members of the faculty and staff whose programs operate internationally are expected to comply with the laws of the nations in which those programs operate, including foreign corrupt practices acts.

### **Obligation to Report Suspected Violations**

Faculty and staff are obligated to report suspected violations of these standards promptly to their supervisor, department chair, the vice president for human resources, the controller, the dean of the faculty, or the vice president for Finance and Treasurer. Violations in some areas may also be reported through Ethical Reporting. Issues of a financial nature, human resources-related incidents, and workplace safety issues can be reported by submitting a report through [Ethical Reporting](#). All reports submitted through Ethical Reporting will be handled promptly. They will be forwarded only to Middlebury officials on a “need to know” basis, provided that such notification will not compromise any investigation. In investigating claims of inappropriate activities, care will be taken to maintain confidentiality. Middlebury College will protect from retaliation anyone who makes a good faith effort to appropriately disclose perceived wrongdoing. However, the College reserves the right to distinguish between retaliation and ongoing performance management related to the “whistleblower.” See the College’s [Whistleblower policy](#) for further elaboration.

### **Consequences of Violation**

Material violations of this code or related College policies and procedures will be considered under the College’s established disciplinary practices and procedures for members of the faculty and staff and may carry disciplinary consequences, up to and including dismissal from employment. Such violations may also subject individuals to civil or criminal actions in state or federal courts.

### **Supervisor's Obligations**

Individuals who supervise others should ensure that their direct reports have received adequate instruction and explanation with respect to their obligations under this code.

## **A.4. Departmental Student Advisory Councils**

**a.** Each academic department and program that offers a major will establish a Student Advisory Council (SAC). The department will make every effort to seek advice from the council on matters of new faculty appointments and curricular changes. The council may also initiate recommendations to the department.

**b. Composition:** The faculty, in consultation with majors in their department/program, will determine the size and composition of the Student Advisory Council. Majors will be eligible for election to the department’s council in the spring preceding their junior and senior years, and at least one member will be elected in each department

and program. Joint majors and independent scholars are eligible for election and are eligible to vote in one department of their choice. Elections will be held at the beginning of the fall semester. All prospective majors in the department/program are eligible to vote. Once the council has been elected, the majors will elect a chair from among the newly elected council members.

**c. *Meetings of the Student Advisory Council:*** The student chair of a department's/program's Student Advisory Council will be responsible for calling two general meetings of majors, one in winter term and the other in spring semester. Other meetings may be called by the chair at any time, and will be called upon request of five departmental majors or the chair of the department/program. At each meeting the SAC representative should address any concerns of departmental majors, as well as inform the majors of any news within the department. At the discretion of the SAC, additional meetings may be held throughout the year as needed.

**d. *Student Advisory Councils and Faculty Appointments:*** The SAC participates in all new faculty appointments within their department/program. The SAC is contacted by the search committee, which arranges a meeting with job candidates. The SAC should make an informal recommendation to the search committee.

**e. *Student Advisory Councils and External Reviews:*** SAC members participate in external reviews of their department/program. Along with members of the Student Educational Affairs Committee, they meet with the external review committee.

## A.5. Middlebury Staff Council (MSC) Constitution

### Article I. Name

The name of this organization is the Middlebury Staff Council (hereinafter referred to as MSC).

### Article II. Purpose

The purpose of the MSC is to help make Middlebury a great place to work. The MSC is elected by the staff employees, and acknowledged by the Board of Trustees, to establish priorities for the staff. The MSC's responsibilities include, but are not limited to:

- A.** Listen and respond to the ideas, opinions, problems, concerns, and consider other matters;
- B.** Organize data, staff views, and other information into reports, and formulate recommendations for actions, changes, and solutions, as required;
- C.** Convey reports and recommendations to Middlebury's administration;
- D.** Meet with the Middlebury administration on a regular basis to communicate reports and recommendations;

### Article III. Members, Officers, and Elections

#### A. Membership

Voting membership of the MSC consists of one Middlebury staff employee for each District and At-Large position. A staff member from Human Resources serves as a non-voting member. Voting members of the MSC serve two-year terms, which begin on the first Monday after their election. Expiring terms are refilled by election. Each voting member serves on at least one MSC committee and/or the MSC Executive Committee.

The Staff Council will be charged with dividing the staff into up to 12 group districts. Thirty days prior to redistricting, staff will be notified of any changes.

The current assignment of positions to an employee work group or campus district is attached as Appendix A. These assignments can be changed from time to time by the MSC Election Committee subject to the approval of the MSC. Composition of campus districts is monitored by the MSC to assure balanced representation.

Benefits-eligible employees working in the United States (full-time and part-time) whose primary designation is not faculty, are eligible to participate in MSC meetings, to vote in MSC elections and to serve as elected MSC representatives.

## **B. Officers**

A president, vice president, and co-secretaries are elected from among the voting members of the MSC by its voting members. Each officer serves for one year and may be reelected. The four officers of the MSC make up the MSC Executive Committee.

**a.** The MSC president presides at meetings of the MSC, prepares the agenda for MSC meetings, and casts a vote in case of a tie vote. In addition, the MSC president is the official representative of the staff and the MSC to the Middlebury president and the Middlebury community at large. The MSC president also serves as the budget administrator for the MSC budget, which is a regular Middlebury budget account. The president may choose to appoint any MSC member to serve as budget administrator. The MSC president serves as an *ex officio* member of all MSC committees.

**b.** The MSC vice president presides at MSC meetings in the absence of the MSC president, provides general assistance to the MSC president, and serves as the MSC representative to the Community Council.

**c.** The MSC secretaries share responsibility for the secretarial duties of the MSC. Those duties include but are not limited to: taking minutes of each MSC meeting and distributing these minutes to all MSC members and to appropriate locations on campus; informing MSC members and staff employees of the date, time, location, and agenda of MSC meetings; maintaining the records of the MSC. Allocation of secretarial duties is determined by the secretaries and the MSC.

The MSC meets annually with the senior representative from Human Resources and the senior financial officer or their designee to review general guidelines and practices for staff salaries and benefits for the purpose of recommending improvements in these areas. The MSC meets periodically with representatives of the Board of Trustees and with the Middlebury president to communicate staff issues.

When necessary, the MSC Executive Committee may reassign duties among the executive officers. In the event that a member of the MSC Executive Committee is unable to attend a meeting, another member of the MSC may be appointed by the MSC president to serve at that meeting. If a member of the Executive Committee resigns or is unable to continue in office, MSC representatives will elect a new officer to complete the unexpired term.

## **C. Elections**

MSC elections are held annually in May.

The MSC Election Committee, under the direction of the MSC, develops election procedures, establishes election deadlines, recruits candidates, and conducts nominations and elections for MSC representatives, validates the results, and resolves any problems that arise from the election process.

All voting is by secret ballot.

## **Nomination Procedure**

**a.** Four weeks before the final election date, election procedures, including deadlines and nomination forms, are sent to all staff employees whose representatives are up for election.

- b.** The nomination forms for representatives of specific employee work groups or campus districts list the names of all eligible employees in that group or district and are distributed to members of that group or district only.
- c.** Staff employees may nominate one person from their specific employee work group or campus district.
- d.** In the case of the member-at-large, the nomination form provides space for one write-in candidate. A list of all staff employees eligible for nomination will be distributed. Nominations must be made from that list.
- e.** Nomination by official ballot takes place at least three weeks before the date of the final election.
- f.** A nominee may decline to run for office.

### **Election Procedure**

- a.** At least two weeks in advance of the final election date, the Election Committee sends out ballots to voting staff employees.
- b.** The staff employees who received the most nominations and agreed to run are listed on the ballot for each vacant representative's seat. In any given election, the Election Committee, with the approval of the MSC, may choose to limit the number of nominees who will be listed on the election ballot (although the same limitation will apply to all positions in a given year). The ballots also contain space for write-in candidates.
- c.** Staff employees may vote once within their employee work group or campus district and once for the member-at-large representative.
- d.** The candidate who receives the most votes for each vacant representative's seat in which they are eligible to serve is elected to the MSC. In case of a tie, a run-off election will be held within a month between the highest vote-getters to determine a winner.

If an MSC representative resigns or is unable to continue in office, another staff employee from the representative's employee group or campus district will be appointed by the MSC to serve. The remainder of that unexpired term. In the case of an at-large member, the appointment will be made from among all eligible staff members.

An MSC representative may serve three consecutive terms, with a hiatus of two years before running again.

### **Recall Procedure**

An MSC representative may be recalled from office by the following procedure:

- a.** A recall may be initiated by the staff employees in the employee work group or district that the MSC member represents, provided that a recall petition is signed by one-third of the staff employees in that group or district. In the case of the member-at-large, a petition must be signed by 100 eligible staff employees.
- b.** Upon receipt of the petition, the MSC will conduct a recall vote within 30 days.
- c.** The recall vote will be taken among the staff employees represented by the MSC member for whom the recall has been petitioned.
- d.** A simple majority of those voting in favor of a recall is required for the recall to take effect. If the required number of votes is not achieved, the MSC member will remain in office.
- e.** No MSC member will undergo a recall vote more than once a year during his/her term of office.
- f.** If the required number of votes for a recall is achieved, the MSC will appoint a replacement in the same manner as provided for above.



## Article IV. Committees

### A. Standing Committees

Each standing committee operates under the authority of the MSC and makes recommendations for action to the MSC. In turn, the MSC acts on committee recommendations, and reports to each committee the results of MSC actions.. When possible and appropriate, the standing and ad-hoc committees align with the Board of Trustees governance structure. Listed below are the standing committees and their specific areas of responsibility

- 1. *Compensation & Resources Committee:*** studies and reviews salary issues, benefits, leaves and vacations, job categories, and related subjects;
- 2. *Election Committee:*** conducts nominations and elections for MSC positions including written notification of election procedures and deadlines; validates election results; determines and reviews representation of employee groups with the approval of the MSC;
- 3. *Events Committee:*** surveys staff employee opinions; MSC plans and coordinates MSC activities and events (e.g. MSC open meetings, picnics, parties);

### Membership

- a.** All staff employees eligible to participate in MSC may volunteer for MSC committees.
- b.** The MSC makes every effort to ensure that each MSC committee includes representation from the various employee groups. The MSC may recommend committee assignments when new committee members are needed. The MSC reserves the right to limit the size of MSC committees and select among eligible members when there are more interested positions than assignments available.
- c.** Each MSC committee includes a chair, and the chair can appoint a secretary as needed.

### Leadership

- a.** Committee chairs are approved and may be removed by the MSC. They serve for one year. While the chair may be, but is not required to be, a member of the MSC, at least one elected member of the MSC serves on each committee.
- b.** The chair conducts the meetings of the committee. The MSC representative conveys the results of each committee meeting to the MSC and the results of each MSC meeting to the committee.

### B. Ad hoc Committees

As the need arises, the MSC may create ad hoc committees to deal with particular issues, and may make assignments for those committees from interested volunteers to serve on such committees. Once an MSC ad hoc committee has addressed the issue in question as directed by the MSC, or, if the MSC determines that the ad hoc committee is no longer needed, it is dissolved by the MSC. If however, MSC feels that an ad hoc committee should continue as a standing committee, an amendment petition and vote will be held to make it a standing committee.

The chair of each ad hoc committee is appointed by the MSC. The chair may be, but is not required to be, a member of the MSC. During the period that the ad hoc committee is active, its chair reports to the MSC as directed.

Examples of ad-hoc committees include:

*Safety and Work Environment Committee:* conducts research and examines issues related to the campus as a workplace and worker safety.

**HR-6:** Comprised of three MSC members and three HR employees whose purpose is to keep the lines of communication open between HR and Staff Council. The mission is to identify and develop recommendations for HR-related issue

Each ad hoc committee has one or more members who are elected members of the MSC.

### **C. Middlebury Committees and Positions**

The MSC makes appointments or recommendations for appointments to College committees. Examples include, but are not limited to: Community Council, Community Judicial Board, and Environmental Council. The MSC also makes recommendations to the Middlebury president for the positions of ombudspersons.

## **Article V. Meetings and Records**

### **A. Meetings**

#### **Annual Meeting**

- a.** Within 30 days of the annual MSC elections, an annual meeting of the MSC is held.
- b.** At the annual meeting the MSC elects its officers and appoints the chairs of standing committees. The MSC also makes recommendations for committee assignments.

#### **Regular, scheduled meetings of the MSC**

- a.** The time and number of meetings per year is determined by the MSC.
- b.** A written agenda of each meeting is distributed by the MSC secretary, or his/her designate, to MSC members and staff during the week prior to the meeting.
- c.** Regular meetings are open to all Middlebury staff members.
- d.** An executive session may be entered into at any time by a majority vote of the MSC. Executive sessions are conducted in the following manner:
  - i.** The motion to go into executive session indicates the nature of the business to be considered during the executive session.
  - ii.** The executive session is limited to the consideration of the business for which the executive session was called.
  - iii.** Attendance is limited to voting members of the MSC and persons invited by the MSC.
- e.** MSC members are expected to attend all MSC meetings and are to be compensated at their normal rate of pay. In addition, MSC meeting time is counted toward the weekly total of hours in order to determine overtime pay for nonexempt employees. Overtime pay will be charged to the employee's department. Absences are to be made known in advance to the MSC officers.

### **Public meetings**

- a.** As needed, the MSC conducts public meetings for all staff employees to communicate the activities of the MSC and to solicit input and reaction from the staff.
- b.** Public meetings are held at such times and places as to enable staff employees to attend. Notice of public meetings is made at least one week in advance.

- c. Release time without penalty is provided to all Middlebury staff employees for attendance at public meetings.

### **Special meetings**

- a. Special meetings of the MSC may be called by the MSC president at the request of any MSC member or at the request of the Middlebury president.
- b. The section on regular, scheduled meetings of the MSC above applies to special meetings.

### **Conduct of meetings**

- a. The MSC president conducts all meetings of the MSC.
- b. Two-thirds of the voting membership of the MSC constitutes a quorum.
- c. A majority of the MSC members present is required to pass a seconded motion. In the case of a tie vote, the MSC president casts the deciding vote.
- d. Voting on all matters other than the election of officers is made by voice vote. A roll-call vote will be taken on any matter should a simple majority of MSC members request such a vote.
- e. Any member of the Middlebury community may address the MSC with prior permission from the MSC president.
- f. *Robert's Rules of Order, Newly Revised* may be consulted as needed to maintain orderly procedure.

### **Content of meetings**

- a. Business for the MSC's attention may originate from any member of the MSC or the Middlebury College community in the following manner:
  - i. Through contact with an elected MSC member.
  - ii. Through contact with an MSC committee.
  - iii. At the request of the Middlebury president.
- b. Regular meetings of the MSC usually include the following:
  - i. Approval or amendment of the minutes of the previous meeting
  - ii. Reports from the MSC committee chairs
  - iii. Old business and new business
  - iv. Opportunity for public comment
- c. The MSC may invite groups or individuals not affiliated with Middlebury to address the MSC.
- d. Business at special meetings is limited to discussion of the matters about which the special meetings are called.

### **Committee meetings**

- a. Committee meetings are held as needed.
- b. Committee meetings are open to all members of the Middlebury staff.

**c.** A committee may enter into executive session at any time by a majority vote of the committee members. Committee executive sessions are conducted as provided for in the section on regular, scheduled meetings of the MSC, d. i. and ii. above. Attendance is limited to voting members of the committee and to those who are invited by the committee.

**d.** Committee members are expected to attend all committee meetings and are to be compensated at their normal rate of pay. In addition, MSC meeting time is counted toward the weekly total of hours in order to determine overtime pay for nonexempt employees. Overtime pay will be charged to the employee's department. Absences are to be made known in advance to the committee chair.

## **B. Records**

The permanent records of the MSC are maintained by the MSC secretary in a secure online location. These records include:

- 1.** The MSC Constitution and its amendments.
- 2.** Minutes of all MSC meetings.
- 3.** All correspondence and other documentation of the MSC.

## **Article VI. Amendments**

**A.** A motion to amend this constitution from a Staff Council representative may be presented at any public meeting. Eligible members of the staff who want to bring a motion to amend this constitution must be accompanied by a petition signed by at least 50 Middlebury staff employees who are eligible to vote in MSC elections

**B.** The motion to amend must be stated on the agenda for the MSC meeting at which the amendment is to be considered and discussed. The agendas/amendment will be sent out at least 7 days prior to the meeting.

**C.** A motion to amend must be passed by seven of the ten voting members of the MSC.

**D.** If the proposed amendment is passed by the MSC it is put to a referendum vote for all eligible Middlebury staff employees within 30 days.

**E.** A simple majority of those casting ballots is required for the amendment to be adopted.

**F.** Non-material changes, such as conforming title changes, may be approved by a majority vote of the MSC with written approval of the MSC president, and do not require resort to this amendment process.

## **Article VII. Dissolution**

A dissolution vote will be held within 30 days of receipt of a petition signed by one-third of all staff employees eligible to vote in MSC elections. All eligible employees will be notified of the dissolution vote at least 10 days prior to the vote. If a simple majority of those casting ballots vote for dissolution, the MSC will be dissolved.

### **Appendix A:**

Four members of the MSC are elected to represent employee work groups. One member is elected from each of the following work groups:

Custodial Services

Dining Services

Facilities Services Employees (minus Custodial)

Library/ITS

Five members of the MSC are elected to represent campus work areas. These campus work areas are combined into five districts based on the chart of accounts and number of employees. One member is elected from each of the following campus districts:

District A, roughly those working in Admissions, Dean of Faculty; Academic Affairs, CAOS Coordinators, Mahaney Center for the Arts, Dean of Faculty Office, Environmental Affairs, New England Review, Science Technical Support Services.

District B, roughly those working in College Advancement, Communications, and Printing and Mailing Services.

District C, roughly those working in Public Safety, Registrar, Center for Careers & Internships, Chaplain's Office, Events Management, Parton Health and Counseling Center, Planning and Assessment, and Student Activities, CTLR.

District D, roughly those working in the President's Office, Commons' Offices, Athletics, Davis UWC Scholars Program, Dean of the College, International Student and Scholar Services; ADA Office, Bread Loaf School of English, Bread Loaf Writer's Conference, Center for International Affairs (RAF), Dean of Students (minus Student Activities), International Programs and Off-Campus Studies, Language Schools, President's House, Sports Medicine, MiddCORE, and Programs on Creativity and Innovation (PCI).

District E, roughly those working in the Assistant Treasurer's Office, Budget Office, College Bookstore, Controller's Office, Executive Vice President and Treasurer's Office, Golf Course, Human Resources, Rikert Ski Touring Center, Snow Bowl, Student Employment Office, Student Mail Center, Student Financial Services, 51 Main Street.

## A.6. Pet Policy

Pet Policy and Requirements for "Dogs at Work"

1. Pets are not allowed in Middlebury buildings including residence halls. Service and assistance animals are covered by the [Service & Assistance Animal Policy](#). Exceptions for "dogs at work" are described below.

Animals visiting campus grounds shall be on a leash at all times. Animals may not be left unattended or tied to any objects (e.g., structures, trees, or vehicles). All damages caused by an animal are the responsibility of the owner or guardian of the animal at the time of the damage; repairs will be billed accordingly.

Administrative offices open to the public are considered public spaces, and no animals may be brought into them, except Service Animals.

2. Exception for "Dogs at Work"

Middlebury employees on the College campus in Vermont may bring their dogs to work in accordance with the requirements of this Policy, detailed below. Dogs demonstrating any aggressive behavior will not be allowed on campus. Bringing a dog to work is a privilege and when other individuals' health or participation are negatively impacted, this Policy places greater importance on the well-being and full participation of all members of our community than on the preference for bringing a dog to work. Employees may not register dogs that do not belong to them (e.g. friends' or family members' dogs).

**Dogs May Not Be Registered In These Buildings (this list is subject to change at any time)**

- Peterson Family Athletic Complex
- McCardell Bicentennial Hall (dogs are not allowed in this building at any time)
- The Marble Works
- Emma Willard House
- The Mahaney Center for the Arts (exceptions may be made for specific locations)
- 700 Exchange Street (exceptions may be made for specific locations)
- Davis Library (exceptions may be made for specific locations)

Faculty and staff with private offices or faculty and staff who share an office may bring their dogs to work during business hours only so long as they comply with all of the following requirements:

- Obtain permission from their supervisor/department chair by completing Part I of the [approval and registration form](#). To be eligible for approval, employees must have a private office. With the approval of a supervisor or department chair, two employees who share a single office may be permitted to register their dog. However, only one dog is permitted in a single office at any given time.
- Complete Part II of the registration form and email a scanned copy of the completed form (Parts I and II), plus a digital photograph of their dog, to the Risk Office at [vp risk@middlebury.edu](mailto:vp risk@middlebury.edu) (please write “Dog Registration” in the subject line). Note that the registration process requires that your dog have a current dog license in the owner’s hometown, and that the dog tag or town dog license number be provided to the Risk Office. No dog may be permitted on campus that is not fully vaccinated and current on all vaccinations.
- Receive final approval and sign to be hung on door. If you have not received notification of final approval from the Risk Office, your dog has not yet been approved to come to work.
- When the dog is on campus, the faculty or staff member is responsible for ensuring that the Conduct Requirements spelled out below are followed.

### **Conduct Requirements for Dogs At Work Program**

- Owners must register any participating dog with the Risk Office.
  - Owners must post a sign on the office door when a dog is present. (A sign will be sent in campus mail once the dog registration has received final approval.)
  - Owners must ensure that dogs are appropriately cleaned and groomed while on campus.
  - Owners are required to clean up after their dogs, both inside and outside the office, and building.
  - Owners must keep dogs on leashes at all times when not in their office. Owners are strongly encouraged to crate their dogs if/when they leave them unattended in their office. Dogs may not be off-leash outside of the owner’s office, including in public areas of a building. Dogs running freely through hallways and buildings is a direct violation of this policy.
  - Owners will be financially responsible for any damage or cleaning costs resulting from the dog.
  - Custodians will not clean offices where dogs are registered, regardless of how often the dog is present in the office. Owners are responsible for cleaning their own offices.
  - Owners must make alternate arrangements to meet with students, co-workers, visitors and/or vendors who are allergic to or uncomfortable when dogs are present in the office. It is the responsibility of the owner to notify visitors beforehand that a dog will be present in the office.
- d. Enforcement. Concerns about Dogs at Work should be directed to the Vice-President or Dean for the office or program where the dog owner works. Violation of any of the Conduct Requirements is a basis for terminating the registration of a dog. Failure to comply with the Conduct Requirements may result in fines, in addition to termination of registration, and repeated violations may be subject to additional sanctions.

Any questions about this policy may contact the Office of General Counsel at [gc@middlebury.edu](mailto:gc@middlebury.edu).

## A.7. Reimbursable Moving Expenditures

### Household goods and personal effects:

- cost of packing, crating, and transporting your household goods and personal effects and those of the members of your household from your former home to your new home. For purposes of moving expenses, the term “personal effects” includes, but is not limited to, movable personal property that you own and frequently use
- costs of connecting or disconnecting utilities required because you are moving your household goods, appliances, or personal effects
- cost of shipping your car and your household pets to your new home
- cost of moving your household goods and personal effects from a place other than your former home. Reimbursement is limited to the amount it would have cost to move them from your former home
- Note: the College will reimburse you, not pay the mover.

### Travel expenses:

- cost of transportation and lodging for yourself and members of your household while traveling from your former home to your new home. This includes expenses for the day you arrive
- lodging expenses you had in the area of your former home within one day after you could no longer live in your former home because your furniture had been moved
- members of your household do not have to travel together or at the same time. However, you can only be reimbursed for one trip per person
- If you use your car to take yourself, members of your household, or your personal effects to your new home, you can either be reimbursed for your actual expenses, such as the amount you pay for gas and oil for your car, if you keep an accurate record of each expense, or the [standard mileage rate](#). Whichever method you use you can claim reimbursement for the parking fees and tolls you pay to move.

### Storage expenses:

o cost of storing and insuring household goods and personal effects within any period of 30 consecutive days after the day your things are moved from your former home and before they are delivered to your new home.

### Expenses taxed as income:

- moving expenses

**NOTES: Moving Allowance costs are considered a benefit and are taxable income per the IRS. Amount used will be included in the employee's taxable income for Federal, FICA and State withholding purposes and they will be taxed accordingly.**

**Reasonable expenses** mean that the cost of traveling from your former home to your new one should be by the shortest, most direct route available by conventional transportation. If during your trip to your new home, you stop over, or make side trips for sightseeing, the additional expenses for your stopover or side trips are not deductible as moving expenses.

**Member of your household** is anyone who has both your former and new home as his or her home. It does not include a tenant or employee, unless that person is your dependent.

For further information see [IRS Publication 521](#).

## A.8. Committee on Art in Public Places (CAPP)



CAPP has existed since the fall of 1994, when the president and Board of Trustees entrusted it with the exhibition, purchase, and placement of works of art on the campus, apart from the Middlebury College Museum of Art.

## ***1. Charge of the Committee***

The Committee has been charged with achieving the following goals:

- Establish a program of exhibition of art in public places to be administered jointly by the Middlebury College Museum of Art and CAPP.
- Expand the educational mission of the Middlebury College Museum of Art, the Department of History of Art and Architecture, and the Program in Studio Art by providing interesting and challenging work of high quality, accompanied by an interpretive program to make works accessible to the non-specialist.
- Elicit gifts and loans of works of art that can enhance the aesthetic and educational mission of the arts.
- Involve a broad representation of the community in choosing, placing, and interpreting art in public places.
- Designate the Center for the Arts and its grounds as a place for public art, as well as selected sites in other spaces on campus.
- Provide funding for the purchase, installation, maintenance, and interpretation of works of art in public places.
- Ensure the security and care of these objects.

## ***2. Mandate and Operating Procedures for CAPP***

The College has established a policy of "One Percent for Art;" that is, one percent of the total budget of any renovation or new construction at the College would be earmarked for the purchase, installation, maintenance, and interpretation of works of art in the public places associated with the building being renovated or constructed.

The College will undertake a concerted effort to acquire gifts of works of art, as well as monetary gifts leading to the acquisition, care, and interpretation of works of art in public places.

The College will consider the audience for such works to be the entire College community and will take into account the mission of the institution, which will be reflected in the acquisition, siting, and interpretation process. Works of art will be acquired for exhibition in public places following the guidelines established by the Middlebury Museum of Art for the acquisition of art for its collection.

Distinctive works of art chosen or created for the public spaces of the campus will represent a broad range of artistic styles and be of sufficiently high quality to merit their inclusion in the College's permanent collection.

All works will be reviewed for site specifications, function of site, primary users of the site, site-specific maintenance and safety questions, and appropriateness of a loan or permanent placement.

Loans of works to be exhibited in public places will be considered, especially as they allow for experimental and challenging works to be shown.

The College will be fiscally responsible in accepting works for loan exhibition, reviewing financial and legal obligations regarding the acquisition of works of art, including covering artist fees, travel costs, transportation of work, site preparation, signage, potential repair and restoration costs, insurance and security costs, and costs for an educational program designed around the work and for publicity to introduce the work to the community. A budget for exhibition of works of public art on loan will be established before loans are accepted.

Bearing in mind recent legal discussions about the rights of artists concerning the discussion, alteration, and placement of works of art, the College will take such ethical considerations into account when choosing and negotiating for works of art to be displayed in public places.

CAPP will have the right to deaccession works guided by the same standards used by the Collections Committee of the Museum.

### **3. *Policy for the temporary exhibition of works of art on the Middlebury campus***

CAPP does not presume any authority over works of art, photographs, etc., that faculty and staff place on view in their offices, that departments choose to install in their offices and teaching spaces, that students place in their rooms, that Commons choose for their lounges.

CAPP welcomes temporary installations in public spaces organized by departments or individuals. There is no need for CAPP to monitor short exhibits (three weeks or less), but such presentations must always be clearly labeled to indicate their source and the educational purpose that lies behind them.

CAPP, or the on-campus subcommittee of CAPP, which has been authorized to make practical decisions that are too cumbersome to be managed by the Committee as a whole, must approve any work or works to be placed on view for a longer period. (This subcommittee consists of the chair of CAPP, the director and curator of modern and contemporary art at the Museum, the director of the arts, the director of the Program in Studio Art and the chair of the Department of the History of Art and Architecture.)

When a work or works are approved for temporary exhibition, the length of time it/they will be on view must be clearly indicated and stipulated in writing, indicating the agreement between the installer and the subcommittee. Normally, an academic year would be the longest time for such an exhibition. If the department or individual wishes, a request may be made at the end of the designated period to extend the exhibition, or to acquire the work or works for permanent installation. If CAPP does not approve the extension, the work or works must be removed.

## **B. Policies for Undergraduate College Students**

**Please choose from the following content:** ↻

- [B.1. Academic Policies](#)
- [B.2. Policies Governing Student Conduct, Residential Life, and Student Organizations](#)

### **B.1. Academic Policies**

**Please choose from the following content:** ↻

- [B.1.a. Academic Honesty, the Honor Code and Related Disciplinary Policies](#)
- [B.1.b. Calendar](#)
- [B.1.c. Degree Requirements](#)
- [B.1.d. Satisfactory Academic Progress](#)
- [B.1.e. Degree Programs & Projects](#)
- [B.1.f. Course Registration and Conduct of Courses](#)
- [B.1.g. Summer Study](#)
- [B.1.h. Winter Term](#)
- [B.1.i. Transfer Courses and Off-campus Study](#)
- [B.1.j. Evaluation of Student Work](#)
- [B.1.k. Grades and Transcripts](#)

- [B.1.l. Student Status](#)
- [B.1.m. Tutoring and Academic Support](#)

## **B.1.a. Academic Honesty, the Honor Code, and Related Disciplinary Policies**

*Last updated August 22, 2017*

### **A. Introduction**

As an academic community devoted to the life of the mind, Middlebury requires of every student complete intellectual honesty in the preparation and submission of all academic work.

### **B. Academic Honesty**

#### ***1. Definitions of Prohibited Acts***

Any student action that does not reflect complete intellectual honesty in the preparation and submission of all academic work is prohibited. Although the definitions below are provided to offer clarity, they are not intended to be exhaustive. Faculty members may define additional actions as Academic Honesty violations for their particular departments and courses as appropriate.

**a. Plagiarism** Plagiarism is intentionally or unintentionally representing the ideas, research, language, creations, or inventions of another person as one's own. In written work and oral and artistic presentations, even a single sentence or key phrase, idea, image, or sound taken from the work of another without specific citation of the source and quotations around verbatim language constitutes plagiarism. It makes no difference whether the source is a student, a professional, or a source with no clear designated author.

Although it does not involve reproducing language verbatim, paraphrasing is the close restatement of another's idea using approximately the language and/or structure of the original. Paraphrasing without acknowledgment of authorship is also plagiarism and is as serious a violation as an unacknowledged quotation.

#### **b. Cheating**

Cheating is defined as giving, receiving, or attempting to give or receive any aid unauthorized by the instructor for any assigned work. On assignments other than exams, academic assistance from the staff of the Center for Teaching, Learning and Research (CTLR) and from Middlebury's professional librarians is considered authorized aid unless an assignment or course clearly indicates otherwise.

#### **c. Duplicate Use of Work**

Any work submitted to meet the requirements of a particular course is expected to be original work completed for that course. Students who wish to incorporate any portion of their own previously developed work into a new assignment must consult with the involved faculty members to establish appropriate expectations and parameters. The same work, or substantially similar work, may not be used to meet the requirements of two different courses.

#### **d. Falsifying Data**

The collection and analysis of data are fundamental aspects of many types of research. It is the researcher's responsibility to ensure that data are recorded and documented accurately. Fabrication, misrepresentation or falsification of data, and practices that significantly deviate from those that are commonly accepted in the academic community, are prohibited. "Data" includes but is not limited to laboratory research, human subjects research, and fieldwork.

## 2. Student Responsibilities

**Expectations:** All assignments should be the work of the individual student, unless otherwise directed by the instructor. Students are responsible for ensuring that their work does not involve plagiarism, cheating, or duplication of their own previous work. Students with questions relating to correct citation of sources, proper recognition of collaborative work on assignments, paraphrasing, authorized aid, utilization of their own prior work, or any other aspect of an academic assignment should consult with the professor for whom they are preparing work. Ignorance of the nature of plagiarism or of Middlebury's policies may not be offered as a mitigating circumstance.

**Honor Code Pledge:** The Honor Code pledge reads as follows: "I have neither given nor received unauthorized aid on this assignment." It is the responsibility of the student to write out in full, adhere to, and sign the Honor Code pledge on all examinations, research papers, and laboratory reports. Faculty members reserve the right to require the signed Honor Code pledge on other kinds of academic work.

**Community Accountability:** Academic integrity is the foundation of a healthy intellectual community. One individual's intellectual dishonesty erodes that foundation and negatively affects all community members. Therefore, in addition to adhering to the Academic Honesty Policy themselves, the student-written Constitution of the Undergraduate Honor Code states that "Any member of the College community (student, faculty, or administrator) who is aware of a case of academic dishonesty is morally obligated to report it to the professor or the judicial affairs officer."

## 3. Faculty Responsibilities

**Expectations:** At the beginning of each term, professors are strongly encouraged to discuss and include on their syllabus their expectations of academic honesty as they relate to the course and to Middlebury's policies. They are also encouraged to orient students to issues of academic integrity, source attribution, and authorized resources that may be particular to their academic field and to the assignments of the class. In the absence of specific verbal or written instruction from a faculty member, the language of this Academic Honesty Policy applies.

**Honor Code Pledge:** Faculty reserve the right to require the signed Honor Code pledge before grading any assigned academic work.

**Community Accountability:** Middlebury faculty members who suspect a student of violating Middlebury's Academic Honesty Policy are expected to contact a judicial affairs officer to discuss their concerns.

## C. Undergraduate Honor System

### Constitution of the Undergraduate Honor System

All assigned academic work is conducted under the terms of the [Undergraduate Honor System](#), which follows in full:

#### Preamble

The students of Middlebury College believe that individual undergraduates must assume responsibility for their own integrity on all assigned academic work. This constitution has been written and implemented by students in a community of individuals that values academic integrity as a way of life. The Middlebury student body, then, declares its commitment to an honor system that fosters moral growth and to a code that will not tolerate academic dishonesty in the College community.

#### Article I: Honor System

- a.** Before enrolling in Middlebury College each student must agree to abide by and uphold this honor system. Additional commitments to the honor system should be part of orientation week activities.
- b.** The judicial affairs officer shall prepare a statement for all incoming students describing the aims and operation of the academic honor system. The judicial affairs officer will be responsible for an orientation session during orientation week so that all new students fully understand the system.
- c.** The Academic Judicial Board will meet annually at the beginning of the fall term with deans from the Office of the Dean of the College, the Community Judicial Board, and the Judicial Appeals Board to review the honor system and to orient new members.

## **Article II: Examination Procedure**

- a.** Only authorized materials may be used during an examination.
- b.** No proctors will be present during examinations, unless specific authorization has been given by the dean of the College.
- c.** The dean of the College may grant an instructor permission to proctor an examination in his or her course when the instructor has communicated to the dean of the College that she or he has a concern that students will cheat in examinations in the course. Authorization will apply to the remainder of the semester.
  - i) Communication of concern may take the form of an e-mail to the dean of the College.
  - ii) Instructors who have concerns about cheating and wish to proctor must make a formal announcement to the class both in class and in e-mail form at least 24 hours prior to the examination. The dean of the College must be copied on the announcement e-mail.
  - iii) Students may register complaints or concerns about the method of proctoring with the dean of the College.
- d.** When an instructor's presence in the exam is required because of the nature of the exam (e.g., slides), the instructor should receive permission from the dean of the College and notify the class in advance.
- e.** The instructor will remain in the examination room for no more than 15 minutes after the start of an examination. He or she may return during the examination to check on any further problems that students may have with examination questions or general procedure, only if he or she announces his or her intention to do so at the beginning of the examination. Instructors will remain in the general area for questions for the duration of the examination period.
- f.** During the examination each student will have complete freedom of action providing he or she does not interfere with the work of others. Except in the case of take-home examinations, no examination papers will be taken from the room except to consult with the instructor.

## **Article III: Violations of the Honor Code, Procedures, and Disciplinary Actions**

- a.** Any member of the College community (student, faculty, or administrator) who is aware of a case of academic dishonesty is morally obligated to report it to the professor or the judicial affairs officer.
- b.** Those who cheat are morally obliged to report their own offense to the professor or the judicial affairs officer.
- c.** Alleged violations will be handled according to the academic disciplinary policies of the current Middlebury College Handbook.
- d.** For cases that are heard by the Academic Judicial Board, if seven members of the Board are present, six votes are needed for a decision of guilt. If six members are present, five votes are needed.

- e.** Any infraction of the honor system is normally punishable by suspension from the College. However, the penalty may be modified when, in the opinion of the Academic Judicial Board, conclusive reasons warrant such action.
- f.** Should the accused be found not guilty, all records of the proceeding will be destroyed.
- g.** Right of Appeal: A student found guilty of an offense will have the right of appeal to the Judicial Appeals Board in all cases.
- h.** All deliberations of the Academic Judicial Board concerning violations of the honor system will be conducted in confidence.

#### **Article IV: Amendment Procedures and Review Committee**

- a.** This constitution (Undergraduate Honor System: Preamble and Articles I-IV) may be amended by a referendum in which two-thirds of all students who are currently registered for classes vote, and in which two-thirds of those voting support the change, subject to ratification by the faculty. Community Council, the faculty, or the Honor Code Review Committee can suggest changes to other aspects of the judicial system by making recommendations. Those recommendations would eventually need to be ratified by the Community Council, which forwards them to Faculty Council for review, and then to the faculty for final approval.
- b.** At least every fourth year, a committee consisting of two faculty members, two students (one of whom will be the current co-chair of the Academic Judicial Board), and a dean from the Office of the Dean of the College shall examine the honor system and its operation and make any appropriate recommendations for revision to the faculty and the Community Council. Faculty members will be selected by the Faculty Council, the second student member by the Student Government Association, and the dean from the Office of the Dean of the College.

## **B.1.b. Calendar**

### **The Academic Year**

The Middlebury College calendar is determined according to the following guidelines. The Calendar Committee may make reasonable adjustments within these rules to accommodate any specific year.

#### **a. Fall Semester**

- i.** Normally, orientation week begins the first Wednesday after the first Monday in September and classes begin the following Monday.
- ii.** The semester extends for 13 weeks, followed by a final examination period.
- iii.** There are two recess periods:
  - (a) One, usually during the sixth or seventh week
  - (b) Monday through Friday of Thanksgiving week

#### **b. Winter Term**

Winter term begins between January 3 and 6, depending upon when New Year's Day falls. Winter term will consist of 20 days of instruction. The break between winter and spring terms will normally be a minimum of 11

days and a maximum of 16 days, but when this schedule necessitates beginning spring term classes in midweek the break may be reduced to 9 days.

### c. Spring Semester

- i. Spring semester classes usually start on the Monday after the winter break as defined above.
- ii. The semester extends for 13 weeks, followed by a final examination period.
- iii. There is a recess period of one week, usually after the sixth or seventh week of the spring semester.

### d. Summer Study

- i. The period available for Summer Study usually begins in mid-June and ends in late August.
- ii. Summer Study courses will extend for at least four weeks within the Summer Study period, with the specific dates determined by the faculty member in charge of the course.

### e. Final Examination Period

For fall and spring semester, the final examination period normally begins two to three days following the end of classes. Exams are scheduled for five days, as listed on the College calendar. The spring semester examination period may be shortened to avoid having Commencement occur later than May 30.

No activities, athletic events (games or practices), course registration, additional or makeup classes will be scheduled for this period of time. All class activities must be concluded on the last day of classes. A thesis defense may be scheduled during the final examination period. Events that do not require student attendance may be held during exam week. However, no events requiring service support from Facilities Services, Media Services or Dining Events can be scheduled from Friday through Monday during exam week in May.

## B.1.c. Degree Requirements

### 1. Degree Requirements

**a. Credits.** Candidates for the Bachelor of Arts degree must complete 36 credits. At least 18 of these credits must be Middlebury credits. Credits earned at all Middlebury programs including Middlebury Language Schools, Middlebury Schools Abroad, School of the Environment, and Middlebury Institute of International Studies at Monterey will count in the 18-credit total and the grades will count in the undergraduate grade point average. No more than six credits with a D grade may be applied to degree requirements.

Students may count toward graduation no more than a total of five courses with non-standard grading. The category of "non-standard grading" includes courses elected under the Pass/D/Fail option (before Fall 2022); courses elected under the Credit/No Credit option (Fall 2022 or later); AP, IB, A-Level, and other pre-college testing credits; and credit-bearing internships. Of these five credits, no more than two may be taken under the Pass/D/Fail or Credit/No Credit option (specific guidelines concerning the Pass/D/Fail or Credit/No Credit option can be found in the College Handbook under [Course Registration and Conduct of Courses](#)), and no more than two may be from AP, IB, A-level or other pre-college testing credits.

A minimum of two winter term credits are required. A maximum of four Winter Term and a maximum of three Summer Study credits may count toward the graduation requirement of 36 credits.

**b. Residency.** First-year students must be enrolled in a Middlebury course during their first winter term at the College. This includes both September and February matriculates. Residency in Middlebury, VT, for the fall and spring semesters of the student's senior year is required for all students unless excused by the Administration Committee.

**c. Courses.** Each student must successfully complete the following course requirements:

- i. A writing-intensive seminar for first-year students must be completed during the first year at Middlebury, normally during the first semester.
  - ii. A second writing-intensive course taken either by the end of the sophomore year at Middlebury or as advised by the student's major department or program. *A college writing course should not be taken concurrently with a first-year seminar, and if taken concurrently, will not satisfy the second college writing requirement.* Writing-intensive classes devote special attention to the process of writing and revision and are designated in the *Middlebury College Course Catalog* as CW.
  - iii. The distribution requirements described in section B of the [Degree Programs and Projects](#) section of this Handbook.
  - iv. A major as described in section C of the [Degree Programs and Projects](#) section of this Handbook. Minors are optional.
  - v. Two physical education units prior to graduation unless excused by the Administration Committee, normally upon recommendation of the College Health Service. See the *Middlebury College Catalog* for details on physical education courses.
- d.** The normal pattern for earning the baccalaureate degree at Middlebury College is four consecutive years of study. The requirements must be completed within ten calendar years from the initial date of matriculation. Students who do not complete the degree within that time frame will be held to the curriculum and degree requirements listed in the Catalog in the year in which they are readmitted, or as determined by the Administration Committee. Students are normally graduated upon completion of all degree requirements.
- e.** Staff members at Middlebury College who are accepted as baccalaureate degree candidates will meet all Middlebury College BA degree requirements in place at the time that the period of degree-candidacy begins, with the following exceptions:
- i. The senior residency requirement is waived;
  - ii. The 36 credit total may include, but need not include, up to four winter term courses;
  - iii. The staff member's *ad hoc* admission committee may consider proposed substitute courses for those required for distribution or for the major requirement when, in the judgment of the committee, such changes enable the applicant to achieve the goals of the proposed program of study and when the proposed adjustments maintain the integrity of existing curricular requirements.

## 2. Advanced Placement Credit

Middlebury College cooperates with the College Board's Advanced Placement Program. At the discretion of individual departments, Middlebury College will award college credit for scores of 4 or 5 in subjects covered in the Middlebury curriculum in which Advanced Placement examinations are given. The registrar will notify first-year students and their advisers of advanced placement credits early in the fall semester.

- a. One Middlebury College course credit will be awarded for each qualifying AP exam score up to the maximum allowed as specified above in section A. Degree Requirements. Two credits will be awarded in those instances in



which the department has demonstrated to the Curriculum Committee that the AP examination adequately covers material in two separately numbered Middlebury College courses that students would normally take sequentially.

b. Advanced Placement credits may be used to anticipate course work at Middlebury. AP credits applied toward graduation will be counted toward the 16-credit limit in the department granting the credit unless the department specifically states that the credits do not count toward the major. The maximum number of Middlebury College course credits that may be accumulated through AP exams is specified above in section A. *Degree Requirements*. A student may not earn credit for a Middlebury College course that is equivalent to an AP exam for which the student has received credit as described above. Departments will be responsible for submitting to the registrar lists of these equivalent courses. In exceptional circumstances, the prohibition on registering for a course that is the equivalent of an AP exam may be waived by a department chair.

c. Advanced Placement scores must be reported directly to Middlebury College by the College Board. In order for Advanced Placement credits to count toward the 36 credit requirement for graduation, the examination **scores must be received no later than the end of the student's second semester at Middlebury College.**

Students may receive a limited number of credits from the major European examination certificates, such as the French Baccalauréat, International Baccalaureate, Swiss Maturité, Artium Examination, British A levels, and German Abitur, if they receive scores that indicate excellent performance. The maximum number of Middlebury College course credits that may be accumulated through these examination certificates is specified above in section A. *Degree Requirements*. Students who receive such credit may not then receive credit for Middlebury introductory courses in subjects covered on the examination. Questions regarding credit for examination certificates may be directed to the Registrar's Office.

### 3. Acceleration<sup>2</sup>

With approval from the major department chair or program director, a student with at least 27 earned credits may propose an accelerated program to the Office of the Registrar.

In order to accelerate graduation, students may apply extra credits from courses taken at Middlebury, credits transferred from courses taken elsewhere, and/or pre-college testing credits, provided all degree requirements are met as stated above in section A. *Degree Requirements*. Once a student is advanced in class standing, it is not normally possible to return to the previous class standing.

The Office of the Registrar may forward to the Administration Committee petitions for which the registrar requests faculty review and a committee decision.

### 4. The Physical Education Requirement<sup>2</sup>

As part of Middlebury's degree requirement, each student must complete two physical education courses prior to graduation. Each season of varsity athletic participation counts as one unit of physical education. PHED courses do not count in the total of 36 academic course credits required for graduation.

Students are encouraged to complete the physical education credits by the end of their fourth semester at Middlebury. In the case of transfer students, students are encouraged to complete the requirement by the end of their second semester at Middlebury. Students who have not completed their requirement by the end of the second semester of their senior year will not be eligible to graduate.

## B.1.d. Satisfactory Academic Progress Policy

This Policy applies to all undergraduate College students and is intended to ensure compliance with federal regulations.

The normal timeframe for earning the baccalaureate degree at Middlebury College is four consecutive years of study in a pattern of two 4-credit semesters and 1 Winter Term every year. When students declare a major, they are required to complete a review of their degree requirements to ensure that they are on track to complete the degree requirements while making satisfactory academic progress.

The Office of the Registrar reviews all student records at the end of each semester (once grades are submitted and recorded), and notifies the Office of Student Financial Services and the Office of the Dean of Students of any students who are not making satisfactory academic progress. The Office of Student Financial Services notifies any financial aid recipients who are not making satisfactory academic progress, while the Office of the Dean of Students notifies any students not on aid of any deficiencies.

### **Minimum Course Completion Requirements**

Students need to earn at completion of their first year 7 credits, 15 credits at completion of second year, and, 24 credits after completing their third year at Middlebury. Students who do not meet the minimum course completion requirements will not be considered to be making satisfactory academic progress until the deficiency is corrected.

### **Minimum Cumulative GPA**

By the second calendar year of enrollment in a post-secondary educational program, the student must have at least a 2.0 cumulative G.P.A. to be considered making satisfactory progress for continued participation in federal aid programs. Students who do not meet this test will be ineligible to participate in federal financial aid programs until this deficiency is corrected.

**Maximum hours to earn degree:** For the undergraduate program, the maximum time frame in which a student is expected to complete a program is six years, as the maximum time frame may not exceed 150% of the published length of the program measured in credit hours attempted. Undergraduate students at Middlebury College are allowed institutional aid for 8 semesters. The Dean of Students must approve a 9th semester of financial aid eligibility.

Students who are allowed by their Dean to continue their enrollment while on academic probationary status, will also be put on "Financial Aid" probation and will be expected to meet the same minimum standards outlined by the Dean for continued enrollment.

**Financial Aid Warning:** Students who may be in jeopardy of losing their federal financial aid will be sent a warning letter which will remind them of the minimum academic requirements for federal aid and to take advantage of the academic services available to students. Students will still be able to receive federal student aid.

**Financial Aid Probation:** If the student has not reached the maximum number of scheduled hours and the Financial Aid Appeals Committee determines that the student has fallen below the completion ratio standards for satisfactory progress, the student will be placed on Financial Aid Probation and notified that his/her continued eligibility for federal financial aid assistance is terminated. Students who fail to maintain the required minimum GPA will also be placed on financial aid probation.

Students on financial aid probation will receive a letter outlining the academic requirements the student must meet in order to receive aid for following semester. If the student on financial aid probation meets the terms of the probation, he/she will be permitted to continue to participate in the federal student aid programs for a subsequent semester. Students who have been placed on probation shall be considered to be making satisfactory academic progress for the purposes of receiving financial aid as long as the student continues to follow the academic plan outlined by their Dean. Students will normally be allowed only one probationary semester during

their academic program. If the student does not meet the terms of the probation, the student will forfeit eligibility for all federal financial aid programs.

## **Specific Circumstances**

### **1. Repeated Courses**

A student who fails a course and takes it a second time will have both grades calculated into the grade point average. If a student passes a course and then repeats it (after receiving permission of the Administration Committee), only the first grade is calculated into the grade point average, and the course is only counted once for credit, although both grades appear on the transcript. See also, "Grades and Transcripts" in the Middlebury Handbook for college undergraduates.

### **2. Multiple-Semester or Term Course Grades**

When a course would have relatively little value unless followed by a second semester or term course intended to complement it, a department may designate first-semester courses for which no credit will be received without completion of a second semester of the course sequence. A department may designate second semester courses in which the final examination will cover the work of the entire year. Students must register each semester or term for the continuing credit. The first semester of such courses is graded Satisfactory or Unsatisfactory. Satisfactory or Unsatisfactory grades may be submitted only for multiple-semester or term projects carrying more than one course credit (500-honors projects for seniors, 700-level senior work). At the conclusion of the project, the student receives alphabetical grades for all course units.

### **3. Incomplete Grades *\*Provisional\****

Incompletes are issued only in unanticipated, exceptional circumstances that arise near the end of the term and when a student has been meeting the majority of course expectations. Incompletes may only be granted by the Student Life Dean, after consultation with the faculty member involved. In order for the dean to grant an incomplete, the faculty member will provide the dean and the Registrar's Office with a provisional grade that would be assigned if the remaining work in the course were not completed. When the faculty member submits grades for the course, they will submit an incomplete for the student.

The dean will share the provisional grade with the student and will set the deadline for the submission of all remaining work, which will ordinarily be the end of the second week in the following Fall or Spring semester. The deadline may be no later than the end of the eighth week of classes in the following semester. Incompletes in winter term courses will follow the same procedures: the deadline for the submission of all remaining work may be no later than the end of the eighth week of classes in the Spring semester. It is the student's responsibility to ensure that all work is completed by the deadline. Should the faculty member be unavailable to evaluate the remaining work, it will be the responsibility of the department chair or program director, or designee, to complete the evaluation of submitted work. If the course is not completed by the deadline, the provisional grade based on the work that has been completed will be recorded by the Registrar's Office.

If the Registrar's Office has not received either a provisional or a final grade by the deadline, the grade will ordinarily be recorded as an F. The Registrar's Office will notify the student that the grade has been recorded. Deans will consult with the Disability Resource Center (DRC) where students indicate that a disability or health condition is the basis for the incomplete. If the DRC staff determines that an incomplete is a reasonable accommodation for a disability, then the Dean will grant the incomplete, which should ordinarily follow the procedures described above, unless the DRC recommends a modification. Supportive measures in Title IX matters will be handled in a similar manner, with the Title IX Coordinator working with the Dean.

### **4. Withdrawals and Leaves of Absence**

Please see the [Student Status Policy](#) in the Middlebury Handbook for college undergraduates.

## APPEAL PROCEDURE

Students wishing to appeal their financial aid ineligibility and request a semester on financial aid probation *or* who have exceeded the maximum timeframe for completing their degree must submit a letter to the Office of Student Financial Services (SFS) explaining the circumstances involved in their lack of academic progress. The SFS Appeals Committee will review the student's request and make a final determination. Circumstances such as illness, death in the family, extreme financial hardship necessitating full-time employment or a change in educational objectives may be considered for extension of eligibility.

## B.1.e. Degree Programs & Projects

### A. First-year Student Seminars and College Writing Courses<sup>2</sup>

First-year seminars are thematic courses that approach an area of intellectual inquiry from a perspective that attempts to make connections among a number of the traditional disciplines. Normally, a first-year seminar has an enrollment of no more than 15 students for each faculty member in the seminar. The first-year seminars have an intensive writing component. All entering students register for one first-year seminar. The instructor of this seminar is the first-year faculty advisor for all the students enrolled in the course. Normally, first-year seminars do not satisfy departmental major requirements. They may, however, satisfy distribution requirements. Exceptions to this pattern are published in the catalog of first-year seminars. After successfully completing a first-year seminar, every student must complete by the end of the fourth semester or as determined by the student's major department or program, at least one course designated as a College writing course (CW). Students are responsible for completing both college writing requirements prior to graduation, and are strongly advised to fulfill their second CW credit *before* they begin their final semester at Middlebury. A College writing course should not be taken concurrently with a first-year seminar, and if taken concurrently, will not satisfy this requirement.

### B. Distribution Requirement<sup>2</sup>

All students must complete two sets of distribution requirements:

- (a) academic categories, and
- (b) cultures and civilizations.

Courses that count toward the major or a minor may be used to satisfy distribution requirements. Winter term courses, Summer Study courses, first-year seminars, and College writing courses may also be used to satisfy distribution requirements.

Independent study courses (0500 and above) do not qualify for distribution requirements.

Students must take at least one course in seven of eight academic categories described below. Single courses can be listed with two distribution categories. A student may count a single course in no more than one academic category requirement. Courses taken under the Pass/D/Fail option (before Fall 2022) or the Credit/No-Credit option (Fall 2022 or later) may not be used to satisfy distribution, College Writing, First Year Seminar, or cultures and civilizations requirements.

### 1. Academic Categories

#### a. Literature (LIT)

Literature has been a central form of expression for many societies. Analysis and appreciation of the literary text give students insight into the minds and lives of other human beings, both their own cultural predecessors and people of different traditions, and into the process whereby human experience is imaginatively transformed into art. By studying literature in English and in other languages, students also sharpen their ability to express their own ideas with grace and precision.

### **b. The Arts (ART)**

The understanding of the history, theory, and practice of the arts is an integral part of a liberal arts education. Courses in this category either emphasize the creative process through the making and performing of actual works of art (ranging from paintings and sculptures to plays, dances, creative writing, film/video, and musical compositions) or study the place of such works of art within a particular historical, cultural, or aesthetic context.

### **c. Philosophical and Religious Studies (PHL)**

Courses in this category examine philosophical systems and religious traditions from a variety of viewpoints, including analytical, systematic, historical, sociological, anthropological, and phenomenological perspectives. Some courses deal with specific philosophical problems or theological issues; others trace the history of philosophy or of religious traditions; still others examine philosophical schools of thought or religious traditions during specific periods of history.

### **d. Historical Studies (HIS)**

History is that branch of knowledge that seeks to account for the diverse ways in which human beings in different cultures and societies have all met and responded to temporal change. Courses in this area study the development of societies and cultures over time.

### **e. Physical and Life Sciences (SCI)**

Courses in this category study inductive and deductive processes of science. Emphasis is on the methods used to gather, interpret, and evaluate data critically, and the placement of this information into a larger context. Fundamental principles of each discipline are discussed in a manner that illustrates the evolving relationship of science, technology, and society.

### **f. Deductive Reasoning and Analytical Processes (DED)**

Courses in this category deal with one or more of the following: (a) basic principles of reasoning and the axiomatic method; (b) statistical methods for analyzing and interpreting data; (c) key mathematical concepts; (d) abstract symbolic manipulation or reasoning.

### **g. Social Analysis (SOC)**

This category deals with the analysis of the individual in society. Courses in this area involve the systematic study of human behavior and the processes and results of human interaction through organizations and institutions, both formal and informal. Social analysis can be undertaken from a variety of perspectives: inductive (using data to make generalizations about human behavior), deductive (using principles to search for and to develop new theories), and normative (using values to recognize important questions and to evaluate alternative answers).

### **h. Foreign Language (LNG)**

Speaking, listening, reading, and writing in a language other than one's own exercise and expand the mind. Because of the close interdependence between language and culture, study of a foreign language helps one gain insights into other societies and ultimately one's own. Courses in this category include many, but not all, of those taught in a foreign language or which focus on texts in a foreign language.

## 2. Cultures and Civilizations Requirement

Middlebury College believes that students should 1) have educational exposure to the variety of the world's cultures and civilizations, where these terms are broadly understood to intersect with geography, history, ethnicity, gender and other factors, and 2) engage critically with sameness, difference, culture, and perspective. These goals are integral to most of the academic disciplines represented in the curriculum.

Accordingly, each Middlebury student is required to complete successfully four courses to fulfill the cultures and civilizations requirement. Specifically, every student takes at least one course in each of at least three of the following regions, focusing on some aspect of the cultures and civilizations of that region.

- a. **SOA**: South and Southeast Asia, including the Pacific
- b. **NOA**: North Asia including China, Korea, Japan and the Asian steppes
- c. **MDE**: Middle East and North Africa
- d. **SAF**: Sub-Saharan Africa
- e. **EUR**: Europe
- f. **AMR**: the Americas

plus one Comparative (**CMP**) course, focused on the process of comparison between and among cultures and civilizations, or on the identity and experience of separable groups within cultures and civilizations.

A single course may be listed as fulfilling one of the regional categories (SOA, NOA, MDE, SAF, EUR, AMR; as recommended by the course instructor and determined by the Curriculum Committee). Courses that satisfy CMP may also carry one of the regional area designations, however a student may not count one of these courses toward both the CMP and regional requirements. A student may count the same course toward both an academic category requirement, and one of the cultures and civilizations requirements. Courses that count toward the major and the minor, winter term courses, summer study courses, and first-year student seminars may be used to satisfy the cultures and civilizations requirement.

College Board Advanced Placement credits may not be used to satisfy distribution or cultures and civilizations requirements.

## C. Major Programs of Study

Students choose one of the following programs of study:

- (a) 1 major (departmental, joint, or interdisciplinary\*\*)
- (b) 1 major (departmental, joint, or interdisciplinary\*\*), 1 minor
- (c) 1 departmental major, 2 minors
- (d) 2 majors\* (*either 2 departmental or one departmental and one interdisciplinary\*\**), no minor.

\*A student who has declared two majors will have to choose to complete only one major should scheduling conflicts occur.

\*\*Majors considered interdisciplinary include: American Studies; Black Studies; Environmental Studies; Gender, Sexuality, and Feminist Studies; International and Global Studies; International Politics and Economics; Molecular Biology and Biochemistry; and Neuroscience.

A major requires a minimum of 10 fall and spring semester credits. Students may take no more than 16 fall and spring semester credits and, in addition, no more than two winter term and summer study courses, combined, in a major department or program (one of which may be senior work).

All students must officially declare a major by the end of the third semester. Any student who wishes to complete a second major must officially declare by the end of the fourth semester of study. After the fourth semester, students wishing to add a second major, or change majors, must petition and gain approval from the new department or program to ensure that the student can complete the major by the end of the eighth semester.

Some highly structured programs, particularly those involving study in the foreign languages or the natural sciences, are facilitated by a declaration of major by the end of the second semester.

A department may define standards for the admission of students to its major program. Students who do not meet these standards may be denied admission or may be admitted provisionally, pending demonstration of their qualifications for advanced work in the department.

In addition to specific courses required for a major, cognate courses may be recommended to further the student's particular academic interests or intentions. Departments offer different opportunities for senior work, adjusted both to the nature of the field and to students' needs. Students should consult the descriptions of senior work under each department or program for details on the available senior work offerings.

Major/Advisor Declaration/Change Forms are available [online](#). The declaration Form must be signed by the chair of the major department or program (or designee).

#### **D. Change of Major**

To change a major, students must petition and gain approval from the new department or program (or designee) to ensure that they can complete the major by the end of the eighth semester. Upon gaining approval of that plan, the student must submit a Change of Major Form to the Office of the Registrar, signed by the advisor and chair (or designee) of the proposed major department or program.

#### **E. Joint Majors**

To complete a joint major, a student is required to:

1. Secure formal approval from advisors and chairs (or designees) in both departments or programs. To gain that approval, the student is required to work with the chairs (or designees) of both departments or programs on an academic program for completion of the proposed joint major. The minimum requirements agreed upon, and the overall program must be submitted in writing with the signature of the two department or program chairs (or designees) to the Office of the Registrar.
2. Complete a senior program which combines both majors and is agreed upon by the advisors and department or program chairs (or designees) involved. That senior work may include or exclude normal expectations regarding independent work and general examinations as appropriate.

A student declaring a joint major may not declare any other major.

#### **F. Two Majors**

To complete two separate majors (*either 2 departmental or one departmental and one interdisciplinary*), a student is required to:

1. Formally declare both majors according to procedures stated above, with the approval of the chairs (or designees) of both departments or programs.

2. Complete all the requirements for the major in each department or program. A course will meet the requirements of more than one major for the same student if that specific course is listed by number and name, in the departments' course listings, as specifically required for both majors. Up to two courses implicitly or explicitly listed as generic or categorical requirements of both majors will also meet the requirements of more than one major for the same student. No other courses will be counted as satisfying the requirements of more than one major for the same student except by specific action of the Curriculum Committee and faculty.

3. A student declaring two majors may not declare any minors.

## **G. Minors**

Students may elect to complete only one minor if they are undertaking a major that is joint or interdisciplinary. Students may declare up to two minors if they are undertaking a departmental major. A student declaring two majors may not declare any minors.

Normally, all students choosing to declare a minor will do so officially by the end of the second week of classes of the 7th semester of study.

Minors will consist of four to six credits, at least one of which must be at an advanced level.

Departments and programs may designate configurations of courses that will constitute a minor (or minors) for that department, program, or major.

Students may not self-design a minor.

Faculty may design interdepartmental minors in those areas of the curriculum in which a major is not offered, subject to approval by the full faculty.

Minors will be listed on students' transcripts.

A course may count toward a student's major or minor, but not toward both. A course counted toward one minor may not be counted toward an additional minor.

## **H. Independent Scholar Program**

The Independent Scholar Program is designed to meet the needs of outstanding students who have clearly defined educational goals that cannot be fulfilled within the framework of a normal departmental or interdisciplinary major. Independent Scholars plan their own curricular programs with the assistance of a faculty advisor. Independent Scholars cannot propose two majors, but can pursue an independent scholar major and one minor. For the 2023-24 academic year, application materials are due to the Curriculum Committee by Monday, October 9, 2023, for fall review; and Monday, February 19, 2024, for spring review.

**Eligibility:** For an application to be considered, a student must be in the sophomore year and have a GPA of 3.5 or higher. If approved, students must fulfill all requirements for the degree using their approved Independent Scholar plan as their major course of study. Independent Scholar proposals will be evaluated in light of feasibility, academic disciplinary integrity, and demonstrated ability of the student. A successful proposal must articulate a fully developed program of study, must include a methods course, and must demonstrate compellingly that the student's academic goals cannot be met through existing majors.

**Application process:** To be designated an Independent Scholar, a student must undergo a rigorous approval process overseen by the Curriculum Committee. The process begins with an interview with the dean of curriculum. The student must subsequently prepare and submit a well-defined program to the Curriculum Committee, covering a description of the aim of the program, the independent work, and the courses he or she proposes to comprise the major. The proposal must be accompanied by a written endorsement of a faculty member who is willing and qualified to supervise the student, as well as a statement of support from an alternate faculty member. Faculty member endorsements should describe a student's readiness to partake in the



independent scholar program and should include support for and evidence of the student's capacity for serious, independent intellectual inquiry. The Curriculum Committee will review all submitted materials, and if warranted, convene a meeting with the candidate and advisors. Final approval rests with the Curriculum Committee. An applicant whose proposal is denied is entitled to meet with the dean of curriculum or the Curriculum Committee.

**Oversight:** The Curriculum Committee will solicit updates from each Independent Scholar twice a year. Changes to the program must also be submitted to the Curriculum Committee, and the faculty supervisor will cosign all registration materials. The Major Declaration Form and Degree Audit Forms will be signed by both the faculty advisor and dean of curriculum. Students who elect to withdraw from the Independent Scholar Program, or who have their independent scholar status withdrawn, may be allowed, at the discretion of the committee, to graduate in general studies, without a formal major in any department.

**Senior work:** The INDE 0800 is a culminating experience for this program of study. This project brings together the course work the student has completed and incorporates all aspects of the study into one final project. Students applying to be independent scholars are asked to provide an indication of possible INDE 0800 projects at the time that they submit their proposals. Students are able, however, to change the topic of their INDE 0800 project in order to respond to new interests and information acquired during the course of their study.

The INDE 0800 project is undertaken for one or two terms. Students who wish to be considered for honors must work with a thesis committee. Thesis work most typically follows the procedures for the department most closely related to the project. Others may choose to work with an individual faculty member, usually the student's advisor. The choice of senior project is flexible. For example, with permission from the advisor, a student in the performing arts might want to incorporate a dance performance, musical composition, or some other feature as part of his or her course of study.

**Honors:** In order to be considered for honors, independent scholars normally must meet two criteria: a minimum average of B+ in courses taken towards the major and a minimum grade of B+ on the senior work component.. The Dean of Curriculum oversees the first requirement and will inform the advisor of the student's eligibility. The senior work component must be evaluated by a committee of three faculty members (one of whom, at the advisor's request, may be a faculty member on the Curriculum Committee). Minimum thesis grades for each level of honors are B+ (Honors), A- (High Honors), and A (Highest Honors), but the determination of the appropriate level will be made by the thesis committee.

*For more information about this program, contact Grace Spatafora, Dean of Curriculum.*

## **I. 0500 Courses**

The election of a 0500 project provides an opportunity for individual work in one's field of interest. It is a privilege open to those students with advanced preparation and superior records in their fields; exceptions will be considered by submitting a request to the Curriculum Committee. The 0500 projects in a student's major or minor department must be approved by the department, whether half-credit or full-credit. All 0500 projects proposed outside of the major or minor department must be approved by the chair of the department in which the work is to be done. Students who have earned 17 or fewer credits, not including pre-college testing credits, are normally not permitted to undertake independent work during the Fall and Spring semesters. Exceptions may be considered upon written request to the Curriculum Committee. Students with 8 or more credits may pursue independent work during winter term, or summer study, provided the 0500 course is offered then. A student is limited to four 0500 projects in any discipline, not including winter term or summer study independent projects. Independent study courses are graded on an A-F basis unless special arrangements are made through the dean of curriculum (e.g., occasional independent projects where the instructor decides that the special nature of the course is better suited to honors/pass/fail grading).

## **J. Senior Program**

Departments may organize independent senior work to suit their students' needs under the general principle of encouraging students in independent work.

When senior independent work continues through more than one term, a grade of S (satisfactory) or U (unsatisfactory) will be submitted for each term of the project. When a final grade is recorded, the S or U will be converted to whatever final grade is reported.

**In addition to senior independent work, departments may also offer a general examination.** If given, the general examination becomes a fixed degree requirement and may count as one or two course units, as the department shall determine. It may receive a grade separate from that given to the senior independent work.

Normally, general examinations will be held in a student's senior year. In certain cases, students may take general examinations at the end of their junior year. All reexaminations must be taken at Middlebury under the supervision of those in charge of the major program. Prior registration for such examinations must be made with the Commons dean and department chair.

Each department may, at its discretion and in accordance with its requirements, excuse students from final examinations in their major field if they achieve a specified grade in the general examination.

A maximum value of three credits may be assigned for senior work.

## **B.1.f. Course Registration and Conduct of Courses**

### **1. Registration Procedure**

Students register for fall, winter, and spring courses using the online registration system. Registration information is communicated to students, by e-mail, prior to the registration period, which consists of an advising period and a real-time registration round. Registration for half-credit courses running for the second half of the fall or spring semester will be available as announced by the Office of the Registrar.

### **2. Course Load**

A student's normal program consists of four credits in the fall and spring semesters and one course in the winter term. First-year students must be in residence for winter term and enrolled in an academic course. Full-time students must take at least three credits per semester.

Sophomores and juniors may register for a fifth credit during the fall or spring semester only with specific approval of their advisors and their Class Dean during the add period using the online CARE form. Normally, this permission is granted to students who have maintained an average of B or better in the two preceding semesters. Seniors may register for five credits during the add period without their dean's or advisor's approval. First-year students may not register for a fifth course. The comprehensive fee remains unchanged for a three-, four-, and five- credit program. Students may not take more than five credits per semester.

All entering first-year students register for a first-year seminar in their first semester at Middlebury. Students are encouraged to explore a range of subjects and select the remainder of their first-semester program in consultation with their advisors. In their first semester students may not take two courses in the same subject, may not register for more than one first-year seminar, may not receive college-writing (CW) credit for a CW course taken concurrently with the first-year seminar, and may register for only one beginning language in the fall term. In their second semester, first-year students may register for two courses in one subject with their advisor's approval.

Under certain exceptional circumstances, students may be permitted to carry fewer than three credits. When this request is based on a documented disability, students should apply to the Disability Resource Center (DRC) office. When this request is based on an exceptional personal circumstances, students may apply to the Administration Committee. Students who receive approval for a reduced course load pay the full comprehensive fee. Students with reduced course loads should work closely with their academic advisors to ensure their compliance with Middlebury's Satisfactory Academic Progress policy.

### 3. Credit/No Credit Grading Option<sup>2</sup>

Students may opt to take a course on a Credit/No Credit basis under the following conditions:

- a. Students may count toward graduation no more than a total of five courses with non-standard grading. The category of "non-standard grading" includes courses elected under the Pass/D/Fail option (before Fall 2022); courses elected under the Credit/No Credit option (Fall 2022 or later); AP, IB, A-Level, and other pre-college testing credits;; and credit-bearing internships. Of these five credits, only *two* may be taken under the former Pass/D/Fail option (before Fall 2022) or Credit/No Credit (Fall 2022 or later) option. Specific guidelines concerning non-standard grading can be found in the College Handbook under [Degree Requirements](#).
- b. Students may invoke the CR/NCR option for a single course when they are enrolled in courses totaling at least four credits in that semester.
- c. Courses taken under the Credit/No Credit option may not be used to satisfy distribution, College Writing, First-Year Seminar, or cultures and civilizations requirements.
- d. Courses taken under the Credit/No Credit option may not be used to satisfy major or minor requirements except in the case of a first course taken in a department or program in which a student subsequently declares a major or minor. In that case, the course may, *with the approval of the department chair or program director*, be counted toward major or minor requirements.
- e. Students may elect the Credit/No Credit option for a course in which they are already registered during the first eight weeks of the classes. The deadline for changing a course from Credit/No Credit to standard grading or vice versa is the drop deadline (i.e., the end of the eighth week of classes).
- f. Winter Term: Students may not elect the Credit/No Credit option for winter term courses that are otherwise offered with standard grading. Occasionally the Curriculum Committee gives an instructor permission to offer an entire course as pass/fail or honors/pass/fail; if a student takes one of these courses, it will not count as one of the permitted two Pass/D/Fail or Credit/No Credit courses.
- g. Middlebury Institute of International Studies at Monterey (MIIS) and Study Abroad: Students may not elect the Credit/No Credit option for courses taken abroad or at MIIS. However, courses taken at MIIS or within an approved study away program in the fall, winter, or spring semester that are offered in their entirety as pass/fail—including study abroad internships—will not count as one of the Credit/No Credit courses, but will count toward the total of five courses with non-standard grading a student may count toward graduation.
- h. CR and NCR grades will not be calculated in the student's GPA. A minimum grade of C- is required for CR. NCR will be recorded for grades of D or F.

### 4. Auditing<sup>2</sup>

With advance permission of the instructor, a regularly enrolled student may audit other classes. The instructor establishes the conditions under which the student may audit. A student may request official audit status, in which case the course will be recorded on his or her transcript with "AUD" in the grade column. In order to obtain official audit status, the student must make a request to the instructor, and they must agree in writing on

the conditions of satisfactory completion. Students must register for audited courses during the normal add period. In no case may the student receive credit for auditing.

Community members living in the Middlebury area may audit courses only with the permission of the instructor and the dean of curriculum or designee. Community members interested in auditing a course at the College, must complete the Community Member Audit Request form and obtain the requisite signatures indicating approval. The audit status, if approved, is not officially recorded and there is no academic transcript kept in these cases. Current high school students may not audit courses at Middlebury College.

## **5. Change of Course Registration**

Immediately following the online registration period and through the end of the second week of the fall and spring semesters, course additions may be made if students have the consent of the instructor of the course into which the student wishes to enroll. Students must add the approved course in Banner by the end of the second week of classes. In the case of half-credit courses running for the second half of the fall or spring semester, students may add the class in accordance with a schedule announced by the Office of the Registrar.

Students may not add a course after the deadline. Petitions for exceptions to this rule will be considered by the Office of the Registrar, and, if approved, a charge of \$50 per add will be assessed. The Office of the Registrar may forward to the Administration Committee any petitions for which the registrar requests faculty review and a committee decision.

A student may withdraw from a course without receiving a failing grade up to the end of the eighth week of classes. In the case of half-credit courses running for the second half of the fall or spring semester, students may drop the class in accordance with a schedule announced by the Office of the Registrar. Students may not drop a course in which they have a pending academic integrity violation.

After the drop deadline, a student may petition the Administration Committee in writing to withdraw from a course for exceptional personal reasons, which may include but are not limited to significant injuries and non-chronic illnesses. The petition should be endorsed by the student's Class Dean. Students may petition the Disability Resource Center staff to withdraw from a course for reasons based on a documented disability. If permission is granted, the course will be removed from the student's transcript; if it is denied, the student will remain on the roster for that course. Withdrawals for other reasons are not permitted after the end of the eighth week of classes. A student may also petition the Administration Committee to correct the student's enrollment if the student provides written confirmation from the instructor that the student did not attend the class. If permission is granted, a charge of \$50 per dropped course will be assessed. A student who fails to complete the work of a course will receive a failing grade in that course.

During winter term, course changes are made by the same procedures, but the add/drop period ends at the end of the third day of classes during the winter term. Requests to add a winter term course after this deadline are automatically charged the late fee of \$50.

Students who add a class late do so at their own risk. They will not be permitted to use a late start as the reason for dropping a course after the deadline.

## **6. Size of Classes**

Fall or spring semester course enrollment may not be limited or cut off during registration without permission of the VPAA or designee. This restriction does not apply to first-year student seminars, College Writing courses, seminars, language and laboratory sections, and studio courses. Department chairs are responsible for ensuring that there are an adequate number of openings for incoming first-year students in September and February.

A list of all courses in which six or fewer students are enrolled will be referred to the VPAA or designee after completion of a registration period. The advisability of offering such courses for the current semester will be

discussed promptly with the department chair involved. Enrollment in winter term courses is limited. (See "[Winter Term](#)").

## 7. Class Meeting and Scheduling

Instructors are expected to conduct classes at the time and place scheduled. Regularly scheduled classes are not held between the hours of 4:15 p.m. and 7:30 p.m. Evening classes are permitted on Monday, Tuesday, and Wednesday. Evening classes on other nights must be approved by the VPAA/DOF or designee. No intercollegiate athletic contests will be scheduled for Monday evenings.

Individual faculty requests for changes in the published schedule must be approved by the department chair and dean of curriculum before such changes take place. Other requests for use of classrooms must be approved by the course scheduler.

Most full-credit courses meet for three hours per week with the exception of laboratory, drill, and discussion meetings. Department chairs are responsible for ensuring that scheduling information is included on the department course information files.

## 8. Attendance

Individual instructors set attendance policies. They should announce these policies during the first week of classes. A student's grade in a course may be reduced for nonattendance.

The Class Deans are charged with the responsibility of granting substantiated excuses for absences from class if warranted by compelling personal circumstances, observance of religious holidays, illnesses, or injuries. Please note that dean's excuses for class absences are granted only under exceptional circumstances, or where there are repeated or prolonged absences involved. Most concerns about class absences should be worked out between the individual student and the faculty member, in the context of the faculty member's own policies on class attendance. The Class Dean may provide an "Explanation of Absence" for athletic absences.

A student who is absent from a pre-announced examination without excuse receives a failure for the examination and is not granted the privilege of making it up.

A student who fails to attend the first two hours of class loses his or her space in the class, unless excused in advance.

### ***Guidelines for Handling Athletics-Explained Absences***

The list of scheduled athletics contests you receive several times a year from the director of Athletics has been approved by the [Athletic Policy Committee](#) of the faculty (APC) acting under guidelines set forth in the *Middlebury College Handbook*. This list tells you when legitimate absences from class may be expected by students because they are involved in a sanctioned athletic event scheduled for that date. The APC regards these lists as informative. They are an *explanation* for an absence, but they do not imply that the student is excused from the obligations of a course or the class work missed.

Although faculty members are expected to make their policy on course attendance clear at the beginning of each course, it is the individual student's responsibility to consult with his or her instructor as to the effect of explained absences.

### ***To the Professor:***

Please read the guidelines for students and coaches in the following sections regarding "Explained Absences." Note that it is the student's responsibility to approach you in the first week of the course to identify possible

conflicts between their athletics schedule and your course. However, it would be helpful if you, during the first week of classes, remind students of their obligation.

How you handle missed work is entirely up to you. However, it is the College's policy that athletics are an important part of a student's life at Middlebury. There are a number of possible solutions to missed work. For example, if a lab or discussion is missed, the student may be able to attend a different section meeting. If a paper is due, ask that the paper be handed in prior to the student's leaving. If a lecture is to be missed, you may permit the student to record the lecture (with assistance from another student). We do recognize, however, that there are cases for which there is no satisfactory make-up possible. Please do your best to accommodate the student without sacrificing academic rigor.

After a student has approached you, please:

1. Identify work that will be missed.
2. Do your best to find a solution to missed material.
3. Communicate your decision clearly to the student. When a student has approached you at the beginning of a semester regarding conflicts, it is your responsibility to communicate your decision on missed work before the end of the drop/add period.

Please note that if a student is involved in a winter or spring season sport, they may not be aware of scheduling conflicts until the semester or term is underway. Again, it is the student's responsibility to approach you as soon as his or her schedule is set to make arrangements regarding missed work, and it is your responsibility to communicate in a timely manner your decision on how to handle the missed work.

Additionally, at the beginning of the semester, you are encouraged to make students aware of any important class activities that will fall outside the normal class schedule of Monday-Friday 8 a.m.-4:15 p.m. and Monday, Tuesday, and Wednesday 7:30-10:25 p.m.

**Note** that missing a regularly scheduled class for a practice in no way constitutes an explained absence and is not expected or mandated by coaching faculty.

### ***To the Student:***

You should be given a list of dates and times of scheduled games by your coach no later than the first day of classes in any term or semester in which you are involved in a varsity/junior varsity sport, or in the case of winter or spring season sports, by whichever comes first, the first preseason meeting or the first day of practice (November 1 for winter, February 15 for spring). Compare each class schedule with your schedule of games. For any course in which you see a potential conflict between academic and athletic schedules, it is your responsibility to contact the professor during the first week of class, or as soon as the scheduling conflicts are known (for example, in the case of winter season sports that begin late in the fall term) and:

1. Identify times of conflict.
2. Together arrive at an understanding of how missed work/class might be made up.

### ***Please note:***

1. Professors will do their best to accommodate your needs within reason.
2. The professor will make the final decision as to how the missed work is to be made up. In cases where you approach the professor at the beginning of term, it is the professor's responsibility to arrive at this decision in time for you to drop/add if her/his decision is unsatisfactory to you. There are some cases for which there may be no satisfactory makeup possible.

**3.** Conflicts with official practices are also possible in the case of special class events, such as a guest lecturer. In such cases, you should discuss the situation with both your professor and your coach, and make a decision with full understanding of the ramifications of your decision.

**4.** Conflicts should be resolved through discussions between yourself, your professor, and your coach. If there are difficulties, you may consult with your Class Dean.

*Note* that missing a regularly scheduled class for a practice in no way constitutes an explained absence and is not expected or mandated by coaching faculty.

### ***To the Coach:***

Please read the statements for the students and the professors on the preceding sections and note your role in this process. We ask you to:

**1.** On or before the first day of each semester, or at the start of the season, give each student on the team you coach the list of contests that conflict with the normal 8 a.m.-4:15 p.m. Monday-Friday and Monday, Tuesday, and Wednesday 7:30-10:25 p.m. class hours.

**2.** Remind students that it is their responsibility to contact each of their professors and identify potential time/work conflicts.

**3.** Explain to the students that there may be times when a practice needs to be missed for special class events (such as a guest lecturer). In such cases, the student should inform you of the potential conflict and discuss it with both you and the professor. It is important that students be able to make such decisions concerning conflicts with full information as to the ramifications of their decisions.

**4.** There will be times when it is in the best interest of the student to attend class rather than a game, and we encourage you to support the student in such a case.

We believe that your role as a coach is very important. Students often look more to their coaches than to their professors for guidance on these issues. It is important that you understand the College policy and do your best to help resolve conflicts between these two very important, but sometimes competing, aspects of students' lives at Middlebury.

### ***To the Captains:***

As a team leader, you should encourage your team members to meet with professors to discuss possible scheduling conflicts. Please ensure that your team members are aware of these guidelines on explained absences and understand that the process is one of negotiation among the coach, student, and professor.

## **9. Class Lectures and Presentations**

Classroom lectures or presentations at the College are the intellectual property of the individual professor, Middlebury College, and/or both. The copying, publication, or distribution of any transcripts, audio, or video of such lectures or presentations without prior written approval of the individual professor is prohibited.

## **10. Religious Holidays**

Middlebury College recognizes that the student body includes adherents of many faiths and that observance of religious holidays is an important part of religious practice for many students. The following policies have been established in order that students at Middlebury will not suffer academic penalties because of the conscientious observance of religious holidays:

It is reasonable to consider major religious holidays for the Middlebury student body as a whole to include the following: Rosh Hashanah, Yom Kippur, and the first day of Passover; Good Friday and Easter Sunday; Eid al-

Fitr and Eid al-Adha. Examinations should not be scheduled and papers should not be due on any of these holidays. Absences from class on these days because of observance of the religious holiday will be treated as excused absences. In addition, no student will be required to participate in or attend College events such as athletic contests, concerts, or outside lectures on these holidays.

The Scott Center for Spiritual and Religious Life will include the dates of these major religious holidays on the academic calendars that are distributed to the faculty and published on the [College's website](#). These calendars will indicate those instances in which the religious holiday begins on the previous evening.

Students whose conscientious religious observance requires their absence on days other than or in addition to those named above may make use of the following procedure prior to the holiday: The student should submit written notification of the pending religious holiday to his or her Class Dean at least one week before the holiday. The Class Dean will then inform the instructors of the student's courses that the absence on the religious holiday will be regarded as an excused one. Under these circumstances, a student missing an examination will be permitted to take a makeup exam without penalty, and a student with a paper due on a religious holiday will be permitted to submit that paper on the day immediately following the holiday, again without penalty.

## **B.1.g. Summer Study**

### **1. General**

- a. The Curriculum Committee is responsible for the general administration of the Summer Study academic program. All courses must be approved first by the Curriculum Committee, which may make or suggest adjustments in proposed courses in consultation with those concerned, and then by the Vice President for Academic Affairs (VPAA) who, in consultation with other College administrators, will review proposed courses for logistical and financial feasibility. Only courses approved by both the Curriculum Committee and the VPAA will be offered.
- b. Each course proposal should contain the following items: title, description, class format, prerequisites, maximum effective size, and budgetary requests (if any). Summer Study courses should include recommendations concerning academic distribution and cultures and civilizations distribution requirements.
- c. The same grading system applies to all students taking a particular course for credit. Summer Study courses are graded on an A-F basis unless special arrangements are made through the Curriculum Committee (e.g., occasional independent projects or other courses where the instructor decides that the special nature of the course is better suited to honors/pass/fail grading). All Summer Study course work must be completed by the end of the Summer Study period. Grades of incomplete will be submitted according to existing procedures except that in the absence of the Student Life Dean, the student and faculty member will consult directly with the dean of students or the dean of students' designee. The deadline for submission of all remaining work will be no later than the drop deadline of the following fall term.
- d. Auditing of Summer Study courses is not permitted.

### **2. Summer Study Course Structure and General Procedures**

- a. Unless an exception is granted by the Curriculum Committee, enrollment will normally be limited to 15 students per instructor in any Summer Study course, and 25 for a team-taught course. The enrollment limit for a Summer Study course that satisfies the College Writing requirement will be 12 students.
- b. During the Summer Study period, faculty and students are involved in a maximum of one academic credit bearing course at a time (including Language Schools, Bread Loaf School of English, and other Middlebury



programs). Summer Study courses must meet for a minimum of four weeks and 32 hours of instruction during the available Summer Study period.

c. A maximum of three Summer Study credits will count toward required credits for graduation. A maximum of four Winter Term and a maximum of three Summer Study credits may count toward the graduation requirement of 36 credits.

d. Summer Study course registration:

i. Students are not required to enroll in any Summer Study offering. In most cases, students who do enroll must have already matriculated: they may not take a Summer Study course in advance of their first semester or term as Middlebury students.

ii. Summer Study course offerings will be announced the preceding winter or spring. Students will apply to the faculty member offering a particular course, and only those students receiving faculty approval will be permitted to register. Students will register via procedures announced by the Office of the Registrar.

iii. Changes in course registration may be made only during the first three days on which the class meets during the Summer Study period. Due to time constraints during Summer Study, late adds are automatically charged a late fee of \$50.

iv. A student who misses the first class meeting of a Summer Study course must be excused by the faculty member or it will be assumed that the student has dropped the course.

## **B.1.h. Winter Term**

### **1. General**

a. The Curriculum Committee is responsible for the general administration of the winter term academic program. All courses must be approved by the Curriculum Committee; the Committee may make or suggest adjustments in proposed courses in consultation with the departments concerned.

b. Each course proposal should contain the following items: title, description, class format, prerequisites, maximum effective size, budgetary requests (if any). Winter Term courses should include recommendations concerning academic distribution and cultures and civilization distribution requirements.

c. The same grading system applies to all students taking a particular course for credit. Winter Term courses are graded on an A-F basis unless special arrangements are made through the Curriculum Committee (e.g., occasional independent projects or other courses where the instructor decides that the special nature of the course is better suited to honors/pass/fail grading). Exceptions are internships and student-led courses, which are graded credit/no credit. All winter term course work must be completed by the end of the winter term. Grades of incomplete will be submitted according to existing procedures, and such work must be satisfactorily completed by the last day of classes of the following spring term.

### **2. Winter Term Course Structure and General Procedures**

a. Departments are encouraged to designate winter term courses as acceptable for credit toward majors and minors. Unless an exception is granted by the Curriculum Committee, enrollment will normally be limited to 22 students per instructor in any winter term course, 38 for a team-taught course, and 18 for language courses (per instructor). The enrollment limit for a winter term course that satisfies the College Writing requirement will be 12 students.

b. All members of the faculty not on leave or released time are expected to contribute regularly to the winter term curriculum. During winter term, faculty and students are involved in only one academic credit bearing course, providing unique opportunities for study. Among these are extensive field work, independent study, internships, senior work, and interdisciplinary study. A minimum of eight contact hours per week is required for all winter term courses.

c. A minimum of two and a maximum of four winter term courses will count toward the graduation requirement. Winter term courses may be integrated with fall or spring semester course sequences. A fall semester course may be a prerequisite for a winter term course, or a winter term course may be a prerequisite for a spring semester course.

d. A department normally may require its students to take no more than one of its winter term courses, in addition to winter term senior work, over the course of four years. Students are urged to take winter term courses in substantially different academic areas in their first and second years. Over four years a student may take no more than three winter term courses in one department, and no more than two winter term courses, in addition to winter term senior work, in his or her major department. A student may take up to four interdepartmental winter term courses during these four years.

e. Upper class students with sufficient credits may elect not to participate in winter term, but no student may remain on campus during winter term unless he or she is enrolled in a winter term course, credit-bearing independent project, on-campus internship, or off-campus internship in the local community.

f. Students who fail winter term courses or independent winter projects will be placed on probation and required to make up a course credit.

Theses, honors projects, and other work undertaken or completed during winter term as part of a larger project will be graded under the regular grading system; the grade to be based upon an evaluation of the project as a whole.

g. Winter term course registration:

i. A student must be in residence and enroll in a regular winter term course during his or her first winter term. This includes both September and February matriculates.

ii. Students complete their registration during the registration period in early November. Students who are not on campus during the fall semester may register for winter term online during the online winter term registration period.

iii. Changes in course registration may be made only during the first three days on which classes meet during winter term. Due to time constraints during winter term, late adds are automatically charged a late fee of \$50.

iv. A student who misses the first class of winter term must be excused by a class dean or it will be assumed that the student has dropped the course.

v. The registration windows for winter term open as follows: (1) students with 7-16.99 credits earned; (2) students with 3-6.99 credits earned; (3) students with 17-36+ credits earned.

### **3. Student Options for Winter Term**

Students are required to earn Middlebury credits during two winter terms. All first-year students must enroll in a winter term course on the Middlebury campus. This includes both September and February matriculates. The second credit may be earned by enrolling in a winter term course, a credit-bearing independent project, a credit-bearing internship, or by studying abroad and earning winter term equivalent credit. (A minimum of two and a maximum of four winter term courses will count toward the graduation requirement of 36 course credits.)

#### *a. Independent Projects (0500 Work)*

Students with 8 or more credits may submit a proposal to their faculty sponsor for on or off-campus winter term independent work either as a continuation of their major or minor or as work outside of their major or minor as long as:

- They have not completed more than two credits of winter term independent work; and
- They have received the approval of the chair or director of the department or program in which the work will be completed

***Students are not allowed to pursue independent projects during their first winter term.***

***How to Apply:*** Contact a faculty member in the department/program in which the work will be done to ask if they will advise the project; once approved by the faculty member, the student should register for that faculty member's independent project section during the registration period.

***Deadline: Ongoing until the Add Deadline***

#### *b. Winter Term Internships*

Winter term internships involve significant high-level exposure to the fundamental work of an organization, with ties to a student's academic and/or professional interests. They challenge students to apply their liberal arts learning in a real-world setting and provide students with an opportunity to reflect meaningfully on the connections between their classroom learning and their outside-the-classroom experiences. Internships can be pursued during winter term and students can apply for the opportunity to earn one (1) academic credit for their work in reflecting upon, and making meaning of, the internship experience. The Curriculum Committee oversees this process, in partnership with individual faculty members and with the Center for Careers & Internships (CCI). To apply, students identify an internship opportunity and a faculty member whom they wish to advise them in connection with the internship. If the faculty member agrees that the internship provides a worthwhile opportunity for the application of liberal arts learning, the student and faculty member together develop a plan for the academic work that will express the student's thoughtful reflection on the internship and its connections to their learning. The student then submits the faculty member's approval and supporting documentation to the Center for Careers & Internships (CCI), as detailed on the CCI website. Students in these approved winter term internships spend a minimum of 25 hours per week (or 100 hours total) at their internship site and complete the agreed upon academic work. At the end of the internship, the student, the faculty member, and the on-site work supervisor submit evaluation reports. The faculty member grades the student's work in response to the internship on a Credit/No Credit basis. Students with fewer than 8 credits may not undertake winter term internships for credit, and students who take more than one internship in four years should pursue them in substantially different fields. A student may not repeat the same winter term internship for credit. A relative may not function as an internship supervisor. If the internship is in a non-English speaking-country, the committee will expect competence in the language of that country, although exceptions apply. Students can also pursue internships during winter term without receiving academic credit. More information about internship opportunities and the application process for winter term internship credit is available from CCI (visit the internship pages on the CCI web site at [go/internships](http://go/internships) or contact Cheryl Whitney Lower, ext. 5798). More information about the faculty member's role, appropriate academic work in connection with internships, and grading of such work is available from the Dean of Curriculum (contact Grace Spatafora, [spatafor@middlebury.edu](mailto:spatafor@middlebury.edu), ext. 5431).

#### *c. Study Abroad During Winter Term*

Proposals/applications for study abroad in an accredited program for winter term credit must be submitted to International Programs. These proposals do NOT need to be submitted to the Curriculum Committee. Students must apply to International Programs by the advertised deadline for pre-approval of winter term off-campus courses. No courses/programs will be approved after the fact. Programs must be at least four complete weeks long (regardless of the total number of contact hours) to earn a maximum of one unit of Middlebury credit. The program/course must meet for at least the same number of hours, over the four weeks, as an equivalent Middlebury course. A program that meets more than 36 hours will NOT receive additional credit. Only a program/course that meets the definition of "liberal arts" (in other words, students should not take courses that are of a pre-professional nature such as business, journalism, etc.), and receives a letter grade of C- or better,

may be applied to the Middlebury College degree. Programs/courses graded on a pass/fail basis or audited are NOT transferable. The transcript reflecting work completed must be issued by an accredited institution of higher education. Students will be notified if credit is pre-approved after International Programs reviews their applications. **Deadline: As advertised by International Programs**

#### *d. Opting Out of Winter Term*

Students who elect not to participate in winter term MUST still participate in winter term registration by enrolling in the No-Credit, "Opt-Out" option. Students registering for this No-Credit option will not receive academic credit during winter term and will not be eligible to remain on campus. This option is not available to students who are participating in their first winter term, i.e., regardless of whether they are September or February matriculates. Students participating as a member of a Middlebury College winter team sport MUST be enrolled in an academic credit-bearing course during winter term.

#### *e. Winter Term Student Led Courses*

Proposals for student-led courses may be submitted to the Curriculum Committee. Such proposals will ordinarily originate with a student or group of students. The proposals must be reviewed and supported by a department or program prior to their submission to the Curriculum Committee. The participants in a student-led course are normally presumed to have studied at the college level in areas relevant to the proposed course. However, some student-led courses may be designed to provide an intensive introduction to a new area. The number of participants in student-led courses may normally be no fewer than five and no more than 12.

The chair or director of the department/program supporting the course will forward, via email to [Diane Burnham](#), a written endorsement of the student leader and will designate a faculty supervisor for the proposed course. The designated faculty supervisor will also forward, via email to [Diane Burnham](#), a statement accepting this role. The Curriculum Committee will consider this information along with the course proposal form. The student leader will organize and conduct the course and propose its syllabus. Student leaders shall consult with the faculty supervisor on a regular basis. The faculty supervisor shall determine whether the course credit has been earned. These courses are graded Credit/No Credit. Student-led courses are subject to the following restrictions:

i. The proposal should be submitted to the Curriculum Committee by the end of the second week of the fall semester.

**Deadline: September 22, 2023.**

ii. A proposal must include a departmental recommendation of the course and its leader, a detailed syllabus, and a list of interested students who will participate in the course if it is offered. Proposed work assignments and meeting schedules must also be submitted.

iii. If the student leader drops the course, it will be canceled automatically.

## **B.1.i. Transfer Courses and Off-Campus Study**

At Middlebury's discretion, students may earn academic credit through the following categories of off-campus study: transfer courses, 0555 courses, study abroad, pre-professional combined plans, domestic off-campus programs, and exchange programs. Each category of off-campus study is subject to separate rules, procedures, and financial aid implication, as indicated below. In cases of uncertainty as to the category of a student's off-campus study, a final determination will be made by the Dean of Curriculum or Dean of International Programs.

### **1. Transfer Courses**

Transfer courses are those taken individually on an *ad hoc* basis (i.e., not as part of a domestic off-campus program, pre-professional combined plan, study abroad, or exchange program) from another institution of higher

education. To take such courses during the academic year, regularly enrolled students must normally withdraw temporarily from Middlebury and apply directly to the institution at which they wish to take a course or courses. International students should consult with International Student and Scholar Services, as there may be visa implications for temporarily withdrawing from Middlebury.

Students may transfer course credits from other institutions of higher education only at the discretion of Middlebury College. Students should obtain preliminary approval for any course for which they expect transfer credit before enrolling in it. To apply for pre-approval to take courses at another college or university, students should complete in advance a [Transfer Credit Application Form](#), requiring approval by both the appropriate department chair or program director, whose responsibility is to evaluate the transfer course content and determine whether the transfer course fulfills any degree requirements, and the Dean of Curriculum, who determines whether the transfer course fulfills any degree requirements (i.e. academic distribution or cultures and civilizations requirement), and who ensures that the transfer institution, the course credit value, and other course details adhere to Middlebury College's transfer credit guidelines. The form should be accompanied by a complete course description and a syllabus, if available; further information about the institution may also be required by the chair or dean. For summer transfer courses taken abroad, students must also complete the online [summer study abroad application form](#). Transcripts from approved educational institutions must be official and sent directly to the Registrar's Office at Middlebury from the institution that granted credit. Grade reports, unofficial transcripts, faxed or hand-carried transcripts are not acceptable.

To receive credit the transfer course should carry at least three semester-hour credits or five quarter-hour credits. Only courses that meet for a period of four weeks or longer and at least the same number of class hours as an equivalent Middlebury College course are eligible to receive credit. A student may only transfer two courses per summer session and a maximum of four summer courses over two sessions. Likewise, a student may only transfer a maximum of one course per Winter Term session. Only courses with a grade of C- or better may be transferred from another institution toward the Middlebury degree. Courses graded on a pass/fail basis do not transfer. Transfer credits may be used to satisfy the academic and cultures/civilizations distribution requirements if the transfer credit is considered by the appropriate Middlebury department to be the equivalent of a Middlebury course that would satisfy one or more of those requirements. After students matriculate at Middlebury College, they normally may not take two-year or community college courses for credit towards a Middlebury degree. College courses taken in high school and applied toward a high school diploma or in a college/high school cooperative program are not transferable. Only courses taken on college campuses, taught by college professors, for college students, and for which there are official transcripts may be considered for transfer.

Transfer work from other institutions will be evaluated on a course-by-course basis to determine the fulfillment of Middlebury departmental and College requirements. All transfer courses completed off campus must receive final approval by the dean of curriculum (for U.S. courses) or the dean of international programs (for courses taken abroad). When courses are taken prior to matriculation at Middlebury, during summers, or while withdrawn from the College are transferred, the credit is recorded but not the grade that was awarded. Students on a post-matriculation semester or year-long study abroad program are not completing transfer courses, but rather a study abroad program (see below). Such students must have the program approved by the Programs Abroad Committee prior to their study abroad to receive Middlebury credit. Students will not receive transfer credit for non-approved study abroad programs.

Neither federal financial aid nor Middlebury financial aid may be used in support of transfer courses. Questions about financial aid for transfer courses should be directed to the Office of Student Financial Services.

## **2. 0555 Courses**

Students may receive one course credit for highly specialized advanced work (designated 0555) relating to their major field with prior approval and subsequent evaluation by their major department. This work will normally be unpaid, done in the summer or when a student is not regularly enrolled, and will be graded credit/no credit.

The 0555 courses are not summer 0500 projects; they involve high-level research under professional supervision. Research must result in material that can be evaluated by a Middlebury faculty member. All 0555 projects must be approved in advance by the Curriculum Committee. A fee of \$100 is charged for 0555 courses.

Neither federal financial aid nor Middlebury financial aid may be used in support of 0555 courses. Questions about financial aid for transfer courses should be directed to the Office of Student Financial Services.

### 3. Study Abroad

Study abroad provides students opportunities to further develop their language skills and to study the culture of another country; or it can give access to academic programs, cultural resources, or natural environments unavailable at Middlebury College. More than half of each Middlebury class studies abroad in the junior year, many at the Middlebury C.V. Starr Schools Abroad, and some 65 percent of these students take courses in their discipline in the language of the host country and/or engage in advanced language study. To ensure a sense of purpose, students should clearly define academic and personal goals, possess adequate competence in language and other pertinent skills, and select an appropriate school and setting. Students who plan to study abroad, whether as part of a language, International and Global Studies, or other major, should consider beginning or continuing language study in their first semester at Middlebury.

Students wishing to study abroad should consult with their academic advisor, the appropriate language department and International Programs and Off-Campus Study.

Students who apply to one of the Middlebury C.V. Starr Schools Abroad have their applications evaluated internally by the International Programs and Off-Campus Study office. The Programs Abroad Committee considers student applications for direct enrollment in selected overseas universities that are not affiliated with the Middlebury C.V. Starr Schools Abroad, and the committee also considers applications for certain study abroad programs established by other program providers and American colleges and universities. In granting permission for a study abroad program, Middlebury agrees to grant full equivalent credit on successful completion of the program, provided the student adheres to the policies outlined in Middlebury's Study Abroad Guidelines. Interested students should consult with International Programs and Off-Campus Study for further information.

Students studying on approved study abroad programs are charged an administrative fee. See the College Handbook Student Finances section for the fee for the current year. The purpose of the fee is to help offset administrative costs associated with study abroad, including advising, application to and approval by International Programs and Off-Campus Study or the Programs Abroad committee, assistance with registration and room draw while abroad, coordination with and oversight of study abroad programs, and awarding of credit.

Students approved for study abroad must maintain a satisfactory academic average. Should they not remain "in good standing," permission may be rescinded.

Grades for courses taken on approved programs abroad are recorded on the transcript and are included in the calculation of the grade point average. International Programs and Off-Campus Study is responsible for converting grades issued on other grading scales to the Middlebury A-F grading system.

For more information about study abroad requirements, students can check the guidelines posted on the [Study Abroad website](#), as well as in the catalog entries for individual language departments, and/or they may consult International Programs and Off-Campus Study.

Financial aid is available for all Middlebury Schools Abroad programs and a small number of externally sponsored Middlebury approved programs. Students with questions about the availability of financial aid for specific programs are encouraged to consult the study abroad guidelines, International Programs and Off-Campus Study or the [Study Abroad website](#) (*see above*). Questions about the process of applying for and receiving aid for approved programs can be answered by the staff in the Office of Student Financial Services.



#### 4. Pre-Professional Combined Plans

Middlebury College has agreements with several schools of engineering and nursing to offer pre-professional combined plans. Pre-professional combined plans are those in which students enroll in approved professional school programs and become eligible for a Middlebury Bachelor of Arts degree upon receipt of a bachelor-level degree in the professional discipline, and completion of all Middlebury degree requirements. A student may propose and arrange a combined plan with another accredited professional school in medicine, dentistry, or veterinary medicine. Interested students should contact the chair of the pre-professional committee early in their college careers and no later than fall semester of the junior year. When credit is awarded for pre-approved pre-professional combined plans, both the credits awarded and all grades earned are included in the calculation of the cumulative grade point average on the Middlebury transcript. Further information is available at [Pre-professional Programs website](#). Questions about financial aid for pre-professional combined plans should be directed to the Office of Student Financial Services.

#### 5. Domestic Off-Campus Study Programs

Domestic off-campus study programs are full-time niche programs offered by other U.S. institutions of higher education, which the host institution has designed to focus on a particular academic subject area or theme and include a coherent and related set of courses. There are some regularly approved domestic off-campus programs (e.g., Washington Semester Program, SEA Education Association, Williams-Mystic Maritime Studies Program, Woods Hole Marine Biological Laboratory), but students are also permitted to apply for approval for alternative programs. Students should consult International Programs and Off-Campus Study for more information about these programs.

Students intending to enroll in a domestic off-campus study program must apply for approval and credit transfer through International Programs and Off-Campus Study. When credit is awarded for pre-approved domestic off-campus study programs, both the credits and the grades are recorded on the transcript, and the grades are included in the calculation of the grade point average.

Federal sources of aid, but not Middlebury sources of aid, can be used in support of approved domestic off-campus study programs. Questions about the use of financial aid for these programs should be directed to the Office of Student Financial Services.

#### 6. Study Away at Monterey

The Study Away at Monterey program offers students the opportunity to enroll full-time at the Middlebury Institute of International Studies at Monterey (MIIS) in Monterey, California. Depending on the program of study, students enroll either partially or entirely in graduate-level courses with degree-seeking Master of Arts candidates in areas such as coastal and climate studies, global security, and language education. A full list of academic program options is available on the [Study Away at MIIS website](#).

Students intending to enroll in the Study Away at Monterey program must apply for approval through International Programs and Off-Campus Study.

Grades for courses taken as part of Study Away at Monterey are recorded on the Middlebury transcript and are included in the calculation of the grade point average at Middlebury.

While at MIIS, students are expected to enroll in a normal full load of courses totaling at least 12 but not exceeding 18 credits per semester. Part-time enrollment (fewer than 12 credits in a semester) is not permitted. Students who enroll in more than 18 credits will be charged an overload at the MIIS per credit rate. Questions about the use of financial aid for this program should be directed to the Office of Student Financial Services.

Students must receive approval from the program director or program chair of the Study Away Program, or the Associate Dean of Academic Operations at MIIS prior to registration. MIIS courses that are offered in their entirety as pass/fail will not count as one of the two non-standard grade mode courses students are permitted to

take (either under the former Pass/D/Fail option or the current Credit/No Credit option) but will count toward the total of five courses with non-standard grading a student may count toward graduation. The Credit/No Credit grade option is not available for courses taken with the Study Away at Monterey program.

Additional information about this program, including housing, orientation, and course load conversions can be found on the [Study Away at Monterey website](#).

## 7. Domestic Exchange Programs

Middlebury maintains exchange agreements with several U.S. institutions, which include reciprocal programs of study for outgoing Middlebury students and incoming students from partner exchange institutions. Middlebury maintains exchange programs with Spelman College, Swarthmore College and the Association of Vermont Independent Colleges (Bennington College, Champlain College, Goddard College, Norwich University, Saint Michael's College, and Sterling College). Interested students should contact International Programs and Off-Campus Study. When credit is awarded for domestic exchange programs, both the credits and the grades are recorded on the transcript, and the grades are included in the calculation of the grade point average.

Questions about the availability of financial aid for these programs should be directed to the Office of Student Financial Services.

## 8. Reserve Officers' Training Corps (ROTC)

Middlebury students completing work in the ROTC program at the University of Vermont are eligible to receive up to three credits towards their Middlebury College degree: one academic credit upon completion of the first two years of ROTC classes and one credit upon completion of each of the third and fourth years of ROTC classes. The credits awarded will be general non-graded credits and will not satisfy any major, minor or distribution requirements. The following University of Vermont courses may count toward the three academic credits:

- For the first academic credit: completion of MS 011, MS 012, MS 021, and MS 022.
- For the second academic credit: completion of MS 131 and MS 132.
- For the third academic credit: completion of MS 241 and MS 242.

Participation in the ROTC program may also satisfy both of the two physical education units required for graduation. One physical education credit will be awarded for completion of the first year of ROTC physical training and the second for the second year.

# B.1.j. Evaluation of Student Work

## 1. Evaluation of Student Work

In all courses, instructors are expected to require a sufficient amount of written and/or oral and/or practical work so that both the instructor and the student are able to evaluate the student's progress in the course.

## 2. Student Rights and Freedoms in the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on academic merit, and not on the basis of opinions or conduct unrelated to academic standards.

**a. *Protection of Freedom of Expression:*** Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study in which they are enrolled.



**b. *Protection against Improper Academic Evaluation:*** Students should have protection through orderly procedures against prejudices or capricious academic evaluation. Students remain responsible, however, for maintaining standards of academic performance in each course in which they are enrolled.

**i. *Staff Courses:*** Where common material is taught within a single course by different members of the faculty, the department offering the course must see that proper consultation is carried out by the staff prior to submission of grades in order to assure a reasonable equity among different sections.

**ii. *Injustice in Grading:*** Students wishing to protest a grade may do so by speaking first to the instructor of the course, and then to the department chair. If the instructor and department chair believe the grade should not be changed, and the student is still not satisfied, the student may appeal in writing to the vice president for Academic Affairs (VPAA). The VPAA or designate will consult with the instructor of the course and the department chair and will make a final decision on the matter. If the VPAA recommends a change in the student's grade, that recommendation will be submitted to the Administration Committee, which will include it on the recommendations for grade changes submitted to the faculty. Students may not appeal to the VPAA for grade change requests that are denied by the Administration Committee.

**c. *Protection against Improper Disclosure:*** Information about student views, beliefs, and political associations that professors acquire in the course of their work as instructors, advisors, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student. Faculty members should use common sense in determining when refusal to divulge information about a student is likely to prove damaging.

### 3. Announcement of Work Required for Evaluation

Early in the semester, preferably on the syllabus, instructors should inform their classes of the nature, extent, and due dates of all major work to be required for evaluation during the semester. Instructors must inform students, prior to the drop deadline, of major work that must be completed before the end of classes and during the final examination period. No additional major papers or projects may be announced after the end of the fifth week of the semester. No new assignments of work for evaluation may be made during the last week of classes.

### 4. Final Examinations

**a.** Instructors normally determine the form of the final exam when submitting course information to the course scheduler. For courses that have scheduled final exams, a preliminary exam schedule is published shortly after the add period each semester. (In the case of half-credit courses running for the first half of the fall or spring semester, the instructor may schedule a final exam for the seventh week of the semester, in consultation with the students, to avoid conflicts). A final examination may take one of several different forms:

**i. *A regularly scheduled written examination.*** The time and place are established by the course scheduler.

**ii. *A self-scheduled examination.*** Self-scheduled examinations are taken during the examination period at a designated examination center according to a schedule proposed by the Office of the Registrar and approved by the Curriculum Committee. Students pick examinations up at the designated examination center within 15 minutes of each starting time and take the exam to a designated examination room. Students must return examination papers to the examination center by the conclusion of the examination hours or sooner, according to the time allotted for the examination. Exams are date-stamped at that time.

**iii. *A take-home examination.*** Take-home examinations may be taken at the student's convenience during the final examination period and will be returned to the instructor according to procedures established before the last day of classes.

**iv. *An oral examination.*** Before the last day of classes an instructor will inform the student of the time and place of such an examination.

**v. An open-book examination.** This may be either a self-scheduled or a take-home examination (*see b and c above*).

**b.** Final examinations may be given only during the final examination period. (*See "Final Examination Period" section below*)

**c.** Except for take-home examinations, final examinations may not be less than one or more than three hours in length.

**d.** Instructors should follow Article II of the Undergraduate Honor System in the conduct of final examinations.

**e.** Instructors should return final examination papers to students or keep them in their possession for one full semester.

## **5. Rescheduling of Examinations, Excused Absences, and Incompletes**

**a.** The Class Deans are charged with the responsibility of extending deadlines for papers and projects and determining that pre-announced examinations be rescheduled if warranted by compelling personal circumstances, illnesses, or injuries. In such cases, the dean will inform the instructor in writing. In response to a student's request, an instructor may reschedule a student's examination with the exception of a final examination, but he or she is not obliged to do so unless the Class Dean so decides.

**b.** An unexcused absence from a pre-announced examination will result in a grade of F for that unit of work.

**c.** The Class Dean may alter a student's final examination schedule (1) if the student has three examinations scheduled in 24 hours; (2) if there is a scheduling conflict (two exams at the same time); or (3) if there are emergencies or compelling circumstances. Final examination schedules will not be altered to accommodate student travel plans. Faculty members may not alter a student's final examination schedule. Students who miss a scheduled final examination may be given a grade of incomplete only with the written permission of the Class Dean. (*See "Grades and Records" section of this chapter*)

## **6. Final Examination Period**

For fall and spring semesters, the final examination period normally begins two to three days following the end of classes. Exams are scheduled for five days, as listed on the College calendar. The spring semester examination period may be shortened to avoid having Commencement occur later than May 30.

No activities, athletic events (games or practices), course registration, additional or makeup classes will be scheduled for this period of time. All class activities must be concluded on the last day of classes. A thesis defense may be scheduled during the final examination period. In the case of half-credit courses running for the first half of the fall or spring semester, the instructor may schedule a final exam for the seventh week of the semester, in consultation with the students, to avoid conflicts.

# **B.1.k. Grades and Transcripts**

## **1. Grading System<sup>2</sup>**

The following grades are used at Middlebury College:

**a.** A, B, C, D, F (+ is used only with B and C; - is used only with A, B and C): fall, winter, spring, and summer.

Numerical equivalents of grades:

A = 4.00

A- = 3.67  
 B+ = 3.33  
 B = 3.00  
 B- = 2.67  
 C+ = 2.33  
 C = 2.00  
 C- = 1.67  
 D = 1.00  
 F = 0

**b.** CR (credit), NCR (no credit): winter term internships, student-led courses and by student adoption of the CR/NCR grading option.

**c.** S (satisfactory), U (unsatisfactory): for work in progress in a multiple-term course

**d.** INC (incomplete)

**e.** Honors, pass, fail: winter term independent projects and some designated winter term or summer study courses

**f.** P (pass), does not count in the grade point average

Note: The Middlebury grade point average (GPA) is truncated at two decimal points; any values beyond the second decimal place are not considered in the GPA calculation.

**g.** Half-credit courses count in the grade point average, weighted proportionally.

## 2. Probation and Failure<sup>2</sup>

All undergraduate students have the same probation and failure rules. These rules also apply to Middlebury undergraduates who enroll in Language Schools, Schools Abroad, Middlebury Institute of International Studies at Monterey, Bread Loaf School of English, School of the Environment, and externally sponsored programs approved by the office of International Programs and Off-Campus Study. The Administration Committee will exercise considerable leniency in responding to first-year, first-term students and therefore will give strong consideration to readmitting a student who has received academic failure unless the student has demonstrated flagrant neglect of schoolwork.

**Probation** (please also refer to the section on [Student Status](#)):

2 Ds  
 1 D and 1 F  
 D or F in winter term  
 D or F in summer study  
 1 D or 1 F for students completing only three courses in term

**Failure** (please also refer to the section on [Student Status](#)):

3 Ds  
 2 Fs  
 1 F and 2 Ds  
 2 Ds or 1 F while on probation  
 D or F in winter term while on probation  
 D or F in summer study while on probation  
 Three times on probation or failure  
 1 F and 1 D, or 2 Ds for students completing only three courses  
 A second successive term on probation

***Failure while on Probation:***

2 Ds

1 F

D or F in winter term

D or F in summer study

Three times on probation

A second successive term on probation

**3. Grade Reports**

Final grades are reported to the Office of the Registrar at the end of each semester, term or study period. All grades must be submitted online by the time specified by the registrar. A faculty member who fails to meet this deadline is reported within 24 hours to the department chair. If there is no response within another 24 hours, the VPAA or designate is notified. Instructors should not report final course grades to students.

Failure and D reports must be submitted by instructors to the registrar. These reports are used by the Administration Committee for determining eligibility for readmission and by Class Deans for advising.

Students are responsible for keeping parents correctly and currently informed of their standing and progress in college. Students can view their own grades online and may print and distribute them as they wish. For students who sign an authorization form each semester, fall grades and spring grades are mailed to parents. Notices of second course warnings, academic probation, academic failure, withdrawals, written reprimands, disciplinary probation, suspension, and expulsion are sent to parents as a matter of course.

**4. Repeated Courses**

A student who fails a course and takes it a second time will have both grades calculated into the grade point average. If a student passes a course and then repeats it (after receiving permission of the Administration Committee), only the first grade is calculated into the grade point average, and the course is only counted once for credit, although both grades appear on the transcript.

**5. Multiple-Semester or Term Course Grades**

When a course would have relatively little value unless followed by a second semester or term course intended to complement it, a department may designate first-semester courses for which no credit will be received without completion of a second semester of the course sequence. A department may designate second semester courses in which the final examination will cover the work of the entire year. Students must register each semester or term for the continuing credit. The first semester of such courses is graded Satisfactory or Unsatisfactory. Satisfactory or Unsatisfactory grades may be submitted only for multiple-semester or term projects carrying more than one course credit (500-honors projects for seniors, 700-level senior work). At the conclusion of the project, the student receives alphabetical grades for all course units.

**6. Incomplete Grades**

Incompletes are issued only in unanticipated, exceptional circumstances that arise near the end of the study period and when a student has been meeting the majority of course expectations. Incompletes are granted by the Class Dean, after consultation with the faculty member involved. In order for the dean to grant an incomplete, the faculty member will provide the dean and the Office of the Registrar with a provisional grade that would be assigned if the remaining work in the course were not completed. When the faculty member submits grades for the course, they will submit an incomplete for the student.

The Dean will share the provisional grade with the student and will set the deadline for the submission of all remaining work, which will ordinarily be before the deadline for adding classes in the following Fall or Spring

semester. The deadline may be no later than the deadline to drop classes in the following semester. Incompletes in winter term courses will follow the same procedures: the deadline for the submission of all remaining work may be no later than the deadline to drop classes in the Spring semester. It is the student's responsibility to ensure that all work is completed by the deadline. Should the faculty member be unavailable to evaluate the remaining work, it will be the responsibility of the department chair or program director, or designee, to complete the evaluation of submitted work. If the course is not completed by the deadline, the provisional grade based on the work that has been completed will be recorded by the Office of the Registrar.

If the Office of the Registrar has not received either a provisional or a final grade by the deadline, the grade will ordinarily be recorded as an F. The Office of the Registrar will notify the student that the grade has been recorded. Students seeking incompletes based on a disability or medical condition should be directed to the Disability Resource Center (DRC) Office. When the DRC staff determines that an incomplete is a reasonable accommodation for a disability, the dean will be notified and will grant the incomplete, which should ordinarily follow the procedures described above, unless the DRC Office determines a modification is necessary.

## 7. Change in Grades<sup>2</sup>

Any request for a grade change must be submitted on a change of grade form to the Administration Committee by the instructor of the course with the endorsement of the department chair. Changes will be made only in case of clerical error or for the reason of fairness to a student, following the Administration Committee's protocols for such requests. Requests for grade changes that are denied by the Administration Committee may be resubmitted by the course instructor only in cases where additional information not included in the original request may affect the committee's final decision. No change in a final grade on the transcript is effective until it is approved by the entire faculty.

Students wishing to protest a grade may do so by speaking first to the instructor of the course, and then to the department chair. If the instructor and department chair believe the grade should not be changed, and the student is still not satisfied, the student may appeal in writing to the Vice President for Academic Affairs (VPAA). The VPAA or designate will consult with the instructor of the course and the department chair and will make a final decision on the matter. If the VPAA recommends a change in the student's grade, that recommendation will be submitted to the Administration Committee, which will include it on the recommendations for grade changes submitted to the faculty. Students may not appeal to the VPAA for grade change requests that are denied by the Administration Committee. No change in a final grade on the transcript is effective until it is approved by the entire faculty.

## 8. College Honors<sup>2</sup>

**a. *College Scholar:*** semester grade point average of 3.60 or higher for students taking four or more full-credit courses, with no grade below B-.

**b. *Dean's List:*** semester grade point average of 3.30 or higher for students taking four or more full-credit courses, with no grade below B-.

**c. *Graduation honors*** (on the basis of cumulative grades from the Middlebury undergraduate, summer, and overseas schools, all other approved programs abroad, and approved programs of domestic off-campus study):

**i. *Cum laude:*** graduation average of 3.40 or higher

**ii. *Magna cum laude:*** graduation average of 3.60 or higher

**iii. *Summa cum laude:*** graduation average of 3.80 or higher

Standards for graduation honors are the same for all students eligible for a degree, regardless of the number of courses taken at Middlebury.

Except for valedictory and salutatory honors, no class rank is computed for official College purposes. Transfer students are not eligible for valedictory or salutatory honors.

Students who have received official College discipline as a result of academic dishonesty are ineligible for graduation honors.

## 9. Departmental Honors<sup>2</sup>

Awarding of departmental honors (Honors, High Honors, Highest Honors) is a departmental decision, but the following minimum requirements must be met:

- a. A student must have at least a B average (3.00) in courses taken in his or her department or program (excluding 0500, 0600, 0700, or equivalent independent study course work, if given).
- b. There must be significant independent research (0500 project) or an honors thesis (0700 course) in a student's program and the grade must be a B or higher.
- c. A program must fall within the maximum permissible number of courses that students may take in their major departments. The program may be part of the senior work program or independent of it.
- d. An exceptionally strong project qualifies the student for honors.
- e. In order to be considered for honors, independent scholars normally must meet two criteria: a minimum average of B+ in courses taken towards the major and a minimum grade of B+ on the senior work component. The Dean of Curriculum oversees the first requirement and will inform the advisor of the student's eligibility. The senior work component must be evaluated by a committee of three faculty members (one of whom, at the advisor's request, may be a faculty member on the Curriculum Committee). Minimum thesis grades for each level of honors are B+ (Honors), A- (High Honors), and A (Highest Honors), but the determination of the appropriate level will be made by the committee.
- f. Students who have received official College discipline as a result of academic dishonesty are ineligible for departmental honors.

## 10. Transcripts<sup>2</sup>

Currently enrolled students have secure, ongoing access to their academic records online in BannerWeb. They may also request an official academic transcript from the Office of the Registrar. The official transcript contains information on courses taken, grades received, majors and minors, degrees earned, and honors awarded. The transcript also includes a student's semester and cumulative grade point average, calculated using the numerical equivalents in Section A above. The grades used in calculating the grade point average are those earned in the Middlebury undergraduate, summer, and overseas schools, all other approved programs abroad, and approved programs of domestic off-campus study.

The transcript and information in the student file may be released to persons or organizations outside of the College only with specific written authorization from the student or as permitted by the federal Family Educational Rights and Privacy Act (FERPA), as noted in the [Student Privacy Rights under U.S. Federal Law](#) (FERPA) section of the Handbook.

A fee of \$5 is charged for each official transcript requested. A request form is available at <https://go.middlebury.edu/transcript>. Transcript requests are accepted by mail, and in person Monday through Friday in the Service Building during regular office hours. Students may also request a transcript through the online ordering system. An additional surcharge is applied to transcript orders placed via the online ordering system. Please plan on two days for processing requests, and longer during end of term grading periods. Students and alumni continue to have access to their own academic records on BannerWeb.

## 11. Registrar

### Office of the Registrar

E-mail: [registrar@middlebury.edu](mailto:registrar@middlebury.edu)

Website: <https://go.middlebury.edu/registrar>

Phone: 802.443.5770

Currently enrolled students should contact this office if they have questions about their academic transcripts or procedures regarding registration, dropping or adding courses, or transfer of credit.

*rev. 6/24/21*

## B.1.1. Student Status

Students may be admitted for undergraduate courses at Middlebury only if they do not already have a baccalaureate degree from Middlebury or any other institution.

### 1. Good Academic Standing

Students are "in good academic standing" if they are meeting the requirements of the Satisfactory Academic Progress policy. Seniors who need only one or two credits to graduate and who have been approved for special student status are also considered to be "in good academic standing."

"Successful completion of a year" for veterans' benefits certification is defined as "in good standing." Students taking fewer than four credits, however, should consult with the registrar regarding veterans' benefits.

### 2. Course Warnings

Faculty members may send out course warnings to students thought to be in danger of receiving grades of "D" or "F." The Class Dean will normally monitor grades around the middle of the term and may contact parents or guardians of students who appear to be having academic difficulties, including receiving one or more course warning.

### 3. Probation

See [Grades and Transcripts](#). A student who receives two D grades or one failing grade and a D grade in a single semester will be placed on probation until the end of the following fall or spring semester. A student completing a semester with three units of credit who receives one D or one F will be placed on probation. A student who receives a D or an F in the winter term will be placed on probation for the spring semester. A student who receives a D or an F in summer study will be placed on probation for the fall semester. Students placed on probation more than twice in their College careers will be required to withdraw. A student readmitted after an academic failure is readmitted on probation for the following fall or spring semester.

### 4. Off-Campus Study

A student may be granted Off-Campus Study status to pursue a full-time program of studies at another recognized and accredited college or university in the United States or abroad. For details regarding the approval and transfer credit process for studying off-campus, see [Transfer Courses and Off-Campus Study](#).

- a. Off-Campus Study status for overseas programs is approved by the [Off-Campus Study](#) (Programs Abroad) Committee at the request of the student and the recommendation of his or her major department. Course programs must be approved by the appropriate Middlebury departments in advance to remain in good standing.
- b. Middlebury agrees to accept approved junior year abroad programs as equivalent to a full year's work. Students on other forms of leave have no such guarantee and must seek final approval of courses after their return to Middlebury. Students on Off-Campus Study status must inform the College if they withdraw from the institution they are attending or if they take a reduced course load.

The following policies will govern readmission for students who have been approved for programs of Off-Campus Study and then wish to change their status:

- i. Such students will be readmitted for fall or spring semester only. They will not be readmitted for summer study or for winter term, regardless of the plan for housing.
- ii. The deadline for guaranteed readmission for the fall semester is June 15. After this date, students who wish to be readmitted will be placed on a waiting list. Students on the waiting list will be notified on September 1 if they have been readmitted for the fall.
- iii. The deadline for guaranteed readmission for the spring semester is November 15. After this date, students who wish to be readmitted will be placed on a waiting list. Students on the waiting list will be notified on January 15 if they have been readmitted for the spring.
- iv. There will be no readmissions after the September 1 and January 15 dates.

## **5. Leaves of Absence**

### **a. Voluntary Leaves of Absence**

- i. Students may choose to take a leave of absence during their time at Middlebury. They may choose not to return after a successfully completed semester, or they may choose to take a leave during a semester in progress. Any student wishing to take a leave of absence should consult their Class Dean to review their academic progress and identify any changes to their academic plan that may be indicated before or after a leave. When students leave during a semester in progress and prior to December 1 for the fall semester or May 1 for the spring semester, no courses will appear on their transcript. If they take a leave from a semester after December 1 (fall) or May 1 (spring), their courses will remain on the transcript. A course with a failing grade assessed as a penalty for academic dishonesty by the Academic Judicial Board will not be removed from a transcript regardless of the timing.
- ii. Students may declare a leave of absence without penalty on or before June 1 for the fall semester and October 15 for the spring semester. Students who declare a leave of absence after these deadlines will be assessed a \$500 fee.
- iii. Students who take a leave in the middle of a semester are ordinarily eligible for readmission after a full Fall or Spring semester away.
- iv. In circumstances where a student on a leave of absence does not respond to communications from the College about their intentions to return for the next eligible semester, and there is no activity in campus-based processes that may suggest their intent to return (e.g., no activity related to class registration, no engagement with Student Financial Services, no participation in housing processes, etc.) their leave will be automatically continued and will be placed on a voluntary leave of absence with no anticipated return date.
- v. Repeated or Extended Leaves: A student who has taken three leaves from Middlebury (excluding temporary medical leaves), including any College mandated withdrawals for academic failure or mandatory leave of absence, or who has taken any one leave of absence in excess of three years, may no longer be eligible for the



regular re-admission process. A student in these circumstances who wishes to return to Middlebury should petition for re-enrollment to the Administration Committee. The Administration Committee's more extensive petition for re-enrollment asks the student to document in detail their readiness to return to Middlebury's rigorous academic environment, including, as appropriate, how the student's situation has changed or developed, to support a successful return.

vi. Conditions on Return: In some cases, the VPSA or their designee may impose specific requirements for readmission if the circumstances of the student's departure warrant it. The goal of such conditions is to prepare the student for a successful return to Middlebury.

vii. Students on Leave of Absence, including temporary medical leave, may, at the discretion of Dean of Students or their designee, be prohibited from campus for the duration of their leave. In such situations a No Trespass Order (NTO) may be issued.

## **b. Mandatory Leave of Absence**

i. Middlebury College provides a range of support services to address the medical needs of students, including mental health needs, within the context of the campus community. On occasion, students may experience health needs requiring a level of care that exceeds what the College can appropriately provide. In such circumstances, students may take a voluntary leave of absence. In situations where a student is unable or unwilling to carry out substantial self-care obligations, where their behavior is unduly disruptive to the community, where current medical knowledge and/or the best available objective evidence indicates that a student poses a significant risk to the health or safety of others, or where a student poses an actual risk to their own safety not based on mere speculation, stereotypes, or generalizations about individuals with disabilities, and the student does not want to take a leave voluntarily, the Dean of Students and/or Vice President of Student Affairs has the authority to place the student on a mandatory leave of absence.

ii. Before placing any student on a mandatory leave of absence, Middlebury will do an individualized assessment to determine if there are reasonable accommodations that would permit the student to continue to participate in the campus community without taking a leave of absence. A medical evaluation by a competent specialist may be required. To enable careful, individualized consideration, the student may need to sign a release authorizing disclosure of relevant information by and between treatment providers working with the student and the appropriate College official(s).

iii. The student will be notified of the decision to place him or her on leave in writing. Student(s) will be given notice and an opportunity to speak with their Class Dean prior to or within five business days following the start of the mandatory leave. The decision may be appealed, following the procedures set forth in Section 5.b.iv., below.

iv. An appeal of a mandatory leave of absence may be made in writing (including email) to the Vice President of Student Affairs (VPSA) or designee within five business days of receipt of the decision. The appeal must state the grounds for the appeal and include any supporting evidence. The VPSA will ordinarily notify the student of the appeal decision within ten business days of receipt of the appeal.

v. Students placed on leave under this section may also be subject to the normal disciplinary processes if their conduct has violated College policy. If disciplinary action is appropriate, the matter must be resolved either before or immediately upon the student's return.

## **c. Temporary Medical Leave of Absence**

i. A student may request a temporary medical leave of absence for up to ten days. A temporary leave beyond ten days will only be granted in extraordinary circumstances.

ii. The College may place the student on a temporary mandatory leave of absence for up to ten days when the conditions for a mandatory leave of absence, above, are met. Whenever possible, the student will be given

notice and an opportunity to speak with a care management teams “Care Manager” or their Class Dean prior to or within three business days following the start of the temporary leave. The student’s Care Manager or Class Dean, in consultation with others as appropriate, will make a determination as to the student’s request after reviewing the information submitted. There is no right of appeal.

- Students who are placed on temporary medical leave may also be subject to the normal disciplinary processes when their conduct has violated College policy. If disciplinary action is appropriate, the matter must be resolved either before or immediately upon the student’s return.
- Students may return from their temporary medical leave after providing documentation and information in accordance with Section 5.d. and 5.e., below.

#### **d. Readmission**

Except where indicated below, all requests for readmission will be reviewed by the Leaves and Returns committee, who will make a recommendation for or against readmission to the Dean of Students based on an individualized assessment of each student’s readiness to return and successfully participate in the College’s academic and residential program. The Leaves and Returns Committee is comprised of staff from the Center for Health and Wellness and the Office of Care Management, with input from other relevant offices such as the Disability Resource Center, Class Deans and International Student and Scholar Services as necessary and appropriate.

The Dean of Students will ordinarily accept committee recommendations, but final readmission decisions are at the discretion of the Dean of Students or their designee.

- i. Students on leave are eligible to request readmission for a three-year period, starting from the date on which their leave began as documented in their leave letter.
- ii. Students eligible for readmission with an anticipated return date of the upcoming semester (as stated in their original leave letter) can expect to receive instructions for completing the online readmission forms from the Office of Care Management. They must confirm their plan to return on this readmission date by completing the instructions provided by the Office of Care Management no later than June 1 for the fall term and November 1 for the spring semester. Normally, readmission is for fall or spring semester only. Students will be readmitted for winter term or summer study only with special permission from the Dean of Students or designee.
- iii. Students on probation for disciplinary or academic reasons will resume their probationary status upon their return for the duration of the assigned probationary period.
- iv. Students with conduct pending through Community Standards must clarify with Community Standards whether their conduct must be resolved before they are eligible to return.
- iv. In the circumstance that a student’s request for readmission is denied by the Dean of Students, the decision may be appealed in writing to the Vice President of Student Affairs within 5 business days of the decision. Appeal instructions will be provided to students in their readmission denial letters.

#### **e. Readmission after Leaves with Conditions**

In addition to the requirements outlined in 5.d above, in those cases where specific requirements were placed on eligibility for readmission, a student may be asked to complete pre-approved coursework at another institution in order to demonstrate readiness to return to rigorous academic work or to engage clinical providers to communicate clinical information to staff at the Center for Health and Wellness (CHW) through the Medical Return Form to facilitate a successful return. Satisfactory responses to any follow-up requests for information from students and/or outside providers from CHW staff must also be received. If the leave is health-related, any conditions or requirements for re-admission will be based on an individualized assessment of each student including consideration of current medical knowledge and/or the best available objective evidence. Careful consideration will be given to the opinions and recommendations of the student’s treating healthcare

professional(s). Students experiencing trouble identifying a provider to complete the Medical Return Form or who are experiencing communication challenges with providers should contact Integrated Care at [integratedcare@middlebury.edu](mailto:integratedcare@middlebury.edu) or 802-443-2305 immediately, and no later than two weeks before the re-admission petition deadline, to request assistance. As appropriate to the individual circumstances of a student's departure, the Dean of Students, VPSA, or their designee may also require that the student provide information to the Leaves and Returns Committee when they seek readmission. Typically, this includes a letter about the student's understanding of the circumstances that led to the leave, evidence of the student's work to manage or resolve any issues and other information that may assist the College in evaluating whether the student can safely and effectively participate in the residential academic programs of the College. The College also reserves the right to obtain a dean's certification if a student has attended another institution. Dean's certifications are official documents confirming attendance and good standing and are typically obtained by request to the office of the dean of students of the institution in question.

## **6. Accommodations for Students with Disabilities**

Middlebury is committed to ensuring equal access to its educational programs for students with disabilities. The term "disability" may include learning, physical, sensory, psychological, medical, and certain temporary disabilities. The Americans with Disabilities Act (ADA) of 1990 as amended, Section 504 of the Rehabilitation Act of 1973 (504), and analogous state laws prohibit discrimination against individuals with disabilities and entitle individuals with disabilities to reasonable accommodations. Students with disabilities may request academic accommodations; housing and dining accommodations; modifications to Middlebury policies, rules, and regulations; environmental adjustments such as the removal of architectural, communication, or transportation barriers; and auxiliary aids and services. Additional policies and procedures regarding accommodations can be found on the website of the Disability Resource Center and in Middlebury's [Americans with Disabilities Act Policy](#).

Students with disabilities who seek accommodations must register with the Disability Resource Center (DRC). Registration through self-identification is a voluntary process that is treated confidentially and may occur at any time during the student's course of study. Such students may seek modifications of the academic regulations set forth herein as accommodations from DRC, which may refer certain requests to the [Administration Committee](#).

## **7. Withdrawal Due to Academic Failure**

A student who receives two F grades, three D grades, or one F grade and two D grades during a fall or spring semester earns an academic failure and is required to withdraw. Seventh-semester seniors may petition to be reviewed by the Administration Committee prior to final action.

A student on probation who receives one F grade or two D grades in the subsequent fall or spring semester is required to withdraw.

A student who receives D or an F in the winter term or in summer study while on probation will be required to withdraw. Students placed on probation more than twice in their College career will be required to withdraw.

A student who is enrolled in three courses and receives one F and one D grade, or two D grades, will be required to withdraw. A student enrolled in three courses who is on probation and who receives one D grade will be required to withdraw.

The above rules also apply to Middlebury undergraduates who enroll in Language Schools, Schools Abroad, Middlebury Institute of International Studies at Monterey, Bread Loaf School of English, School of the Environment, and externally sponsored programs approved by the office of International Programs and Off-Campus Study. Students withdrawn due to academic failure are not eligible to attend any Middlebury school or program until formally readmitted to the College.

At any time, a student failing a course, consistently receiving grades below C-, or in any way neglecting the obligations of a course, may be placed on course warning.

8. Readmission After Withdrawal for Academic Failure

The policies, processes and deadlines in this section pertain only to students seeking readmission after withdrawal for Academic Failure. Readmission after academic failure requires approval from the Administration Committee. Readmission is a special privilege, not a right. The committee will grant re-admission petitions only when it is satisfied that the factors which led to failure have been rectified and that the student has both ample motivation and capacity to earn a degree. Mere lapse of time is not a sufficient basis for readmission. The burden of proof of motivation and capacity rests with the student. During a leave of absence resulting from withdrawal after academic failure, the student is ordinarily required to enroll full-time at another accredited institution and to achieve a good record there by receiving grades of B- or better in all courses. (See [Transfer Courses and Off-Campus Study](#) for information about the transferability of these courses to Middlebury.)

Application for readmission must be made to the [Administration Committee](#), who will consult with the student's Class Dean. Readmission is normally for fall or spring semester only. Students will be readmitted for winter term or for summer study only with special permission from the Administration Committee in consultation with the Dean of Students. Any student readmitted will be on academic probation for the first semester following return and, if withdrawn for due to academic failure a second time, will not be readmitted. A student readmitted on academic probation for winter term remains on probation for the following spring semester; a student readmitted on probation for summer study remains on probation for the following fall semester.

There are two tracks to apply for readmission following academic failure, Regular Readmission and Late-Decision Readmission, each with its own deadlines.

**Regular Readmission:** Application must be made by June 15 for fall semester, and by November 1 for spring semester. Only complete applications consisting of a petition and all supporting materials (including a final, official transcript) submitted by the June 15 or the November 1 deadline will be considered for Regular Readmission.

Regular Readmission is the recommended timeline for all students to ensure the best opportunities for success after their return. Deadlines for Regular Readmission have been set to enable readmitted students to participate in registration and housing processes for the following fall or spring term at the same time as other students in their class. It must be understood that students taking courses elsewhere to qualify for readmission will not be able to acquire an official transcript of final grades early enough to meet the deadline to apply for Regular Readmission for the immediately following fall or spring term.

**Late-Decision Readmission:** Application must be made by August 15 for fall semester, and January 15 for spring semester. Only complete applications consisting of a petition and all supporting materials (including a final, official transcript) submitted by the August 15 or the January 15 deadline will be considered for Late-Decision Readmission.

Late-Decision Readmission is not recommended but is available as an exceptional provision that comes with caveats and conditions which students should carefully consider before electing it. Deadlines for Late-Decision Readmission have been set to allow students the possibility of returning in the spring or fall term immediately following coursework done elsewhere to qualify for readmission. Since students readmitted via Late-Decision will be notified of that outcome after the registration and housing processes have been run, the selection of courses and housing will be limited. Students may elect this option only on the condition that they accept whatever courses and housing assignments are available.

SUMMARY OF DEADLINES FOR READMISSION FROM ACADEMIC FAILURE

Return Track	Application Deadline
Fall Return, Regular	June 15

Fall Return, Late Decision

August 15

Spring Return, Regular

November 1

Spring Return, Late Decision

January 15

## 9. Special Students

Special student status is designated for students with only one or two remaining credits (although Febs may apply for special student status for the fall semester when they have three remaining credits), and for students with a documented disability for which this arrangement is deemed by the Disability Resource Center staff to be a reasonable accommodation. Special students are charged by the course and may not live on campus.

Students applying for special student status based on course completion must submit a completed Special Student application to the Office of the Registrar for approval. Students applying for special student status based on a documented disability must submit their request, along with appropriate documentation, to the Disability Resource Center office. [Applications for special student status](#) must ordinarily be filed with the Office of the Registrar by March 15 for the fall semester and November 15 for the spring semester. Students whose circumstances change after March 15 or November 15 may file applications for special student status after those deadlines if they have compelling reasons.

Beginning in the spring 2024 semester, special students will automatically be added to the 50 meal plan. Special students should contact Dining Services if they would like to opt out of a meal plan.

Occasionally, special students wish to remain living on campus. When this request is based on a documented disability, students should submit this request to the Disability Resource Center office. When this request is based on exceptional personal circumstances, students may apply to the Administration Committee.

## 10. Ninth Semester

As stated in section B.1.c, Degree Requirements, the normal pattern for earning the baccalaureate degree at Middlebury College is four consecutive years of study. If, due to extenuating circumstances, a student is unable to successfully complete all degree requirements within eight semesters, the student must petition the Administration Committee for permission to enroll in a ninth semester. All semesters in which a student attends classes, including any semester(s) from which a student withdraws before the end of the semester, are included in the eight-semester count. Petitions for a ninth semester are only considered in cases where the student can demonstrate that, due to no fault of their own, and based upon extraordinary circumstances, the student is unable to complete the degree within eight semesters. Requests for a ninth semester to complete a second major or to accommodate a late change of major will not be considered.

## 11. Visiting Students

Students from other colleges may be admitted through the Administration Committee, if space is available, for one semester as non-matriculated students. Such students are required to be in good academic and social standing at their home institutions and have the approval of their home institutions. The Administration Committee will review potential visiting students' applications and transcripts and proposed courses of study at Middlebury to ensure that the students meet academic standards and that there is room in the courses they plan to take. Any visiting student wishing to transfer to Middlebury must apply in the regular manner through the Admissions Office.

## 12. Resignation

Students who wish to leave Middlebury College and plan never to return may resign from the College. Students who resign must notify their Class Dean in writing. There is no readmission after a resignation.

## 13. Refunds

In cases of dismissal from the College, no refund of the comprehensive fee is made. In other cases of absence or withdrawal from the College for medical reasons or serious emergencies, fees are refunded according to the [College's refund schedule](#). In all cases, the enrollment deposit is forfeited.

## B.1.m. Tutoring and Academic Support

Among Middlebury College's strengths are the accessibility of faculty and their willingness to help students. All faculty members maintain regular office hours, which are posted on office doors or within department offices.

Whenever students experience difficulty in a course, they are encouraged to first seek help from the respective faculty member. Additional support is also available to help students reach their academic goals at the Center for Teaching, Learning, & Research located in Davis Family Library (extension 3131). CTLR offers the following resources.

### Office of Learning Resources

Beginning the first week of the semester, on weekdays, the professional and student staff of Learning Resources are available to meet with students for individual appointments. They assist students in assessing their academic needs and developing skills to meet these needs. Academic time management skills, class discussion skills, and select study skills including effective note taking, test preparation, and skills for managing academic stress and reducing anxiety that interferes with academic performance are necessities for all students to master.

Competency in these skills is directly related to academic success and students fulfilling their academic and personal potential at college. These services are available to all Middlebury students and are free of charge. For additional information, call CTLR or visit the [OLR](#) Web site.

### Quantitative Support

Quantitative skills and reasoning ability have become an important component of many courses and majors. The director of Quantitative Support is available to assist students in a number of ways, including reviewing prior mathematics knowledge, discussing homework, preparing quantitative reports, and practicing for tests. In addition, trained peer tutors who have experience in quantitative courses and methods can assist students with homework and other quantitative projects. For additional information, see the [Quantitative Skills Support](#) Web site.

### Writing Center

The ability to write clearly and effectively is central to a liberal arts education. As part of a program to encourage students' growth as writers during their four years at Middlebury, the Middlebury College Writing Center offers free professional and peer tutoring to student writers, including those for whom English is a second language, at any stage of any writing project, from organizing the work schedule, to brainstorming ideas, to talking through a draft, to revising and polishing rough drafts. Peer writing tutors are also trained to give tips and practical suggestions to assist students with oral presentations. This tutoring is available at the [Center for Teaching, Learning, and Research](#) on the main floor of the Davis Family Library, Suite 225 Sunday through Thursday evenings and some evenings in the Anderson Freeman Center and other locations around campus. Most first-year seminars and many college writing classes have dedicated peer writing tutors attached. For more information visit the [Multilingual/ESL Support](#) and the [Writing Center](#) Web sites.

### Peer Tutors

Peer Content Tutors, approved by departmental faculty, are also available to provide supplementary assistance for many entry-level courses and all levels for foreign languages. The STEM peer tutors provide drop-in tutoring and study sessions for students in introductory math, science, and social science classes. In addition, individual STEM peer tutoring may be available for some subjects not covered by drop-in sessions, or when recommended by the faculty in a specific course. For additional information, see the [Center for Teaching, Learning, and Research](#) Web site.

### Peer Tutoring in Foreign Languages

Tutoring for students taking foreign language courses is available through the CTLR. Professor approved and trained tutors assist students in grammar, sentence structure and pronunciation. For more information visit the [Foreign Language Tutors](#) Web site.

Professional tutors in writing, quantitative skills, and learning skills are available by appointment during daytime hours, weekdays. Make an [appointment](#) with a CTLR professional on-line (go/appt) or by contacting the CTLR.

rev. 6/24/21

## B.2. Policies Governing Student Conduct, Residential Life, and Student Organizations

Please choose from the following content:↻

- [B.2.a. Introductory Matters](#)
- [B.2.b. General Conduct Standards](#)
- [B.2.c. Middlebury's Policy Against Hazing](#)
- [B.2.d. Student Conduct Process](#)
- [B.2.e. Sanctions](#)
- [B.2.f. Residential Life Policies](#)
- [B.2.g. Student Health Policies](#)
- [B.2.h. Student Organization Policies](#)

### B.2.a. Introductory Matters

The purpose of College policies and the disciplinary system in Middlebury's academic community is to protect the well-being of the community and to advance our shared educational mission by establishing a range of appropriate behavior. Middlebury is a community of learners and as such recognizes and affirms that free intellectual inquiry, debate, and constructive dialogue are vital to Middlebury's academic mission and must be protected even when the views expressed are unpopular or controversial. Middlebury's Student Life policies are meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including sex, sexual orientation, gender identity or expression, race, color, ethnicity, religion, marital status, place of birth, ancestry, national origin, age, or disability, when in the judgment of a reasonable person they arise appropriately and are conducted with respect for the dignity of others. Middlebury also recognizes that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses, including but not limited to conduct that violates Middlebury's [General Conduct Standards](#) policies, [Non-Discrimination Policy](#), and other [Middlebury-Wide Policies](#), are unacceptable.



A balance of individual and community health and growth guides Middlebury's approach to the policies that support its educational mission. Generally, the student conduct policies are set forth in writing in order to give students general notice of expected conduct and sanctions for prohibited conduct. The Handbook policies are intended to be read broadly and are not designed to define misconduct in exhaustive terms. Depending on their nature and severity, policy violations may be adjudicated and discipline may be assigned by several different administrators and judicial boards, as detailed in the Student Life policies in this Handbook section. The deans, administrators and judicial boards consider the totality of a student's history, the impact on community, and the specific circumstances of the event when determining appropriate responses to policy violations. Consistent with the cultivation of an awareness of responsibility and accountability as a member of a larger community, students found in violation of Middlebury policies and/or participating in prohibited acts will be held responsible, subject to discipline, and/or charged for costs associated with their behavior, as described further within this Handbook.

## **i. Community Standards**

The ability of Middlebury to achieve its purposes depends on members of the campus community upholding our commonly accepted standards of conduct, which enable the highest quality of teaching and learning. Broadly, these are referred to as our Community Standards. Middlebury seeks to prepare students to be active citizens and leaders who will address the world's most pressing problems. This mission is advanced through students' experiences with successes and challenges, and is reflected in the following Community Standards:

- cultivating respect and responsibility for self, others, and our shared environment;
- encouraging personal and intellectual courage and growth;
- manifesting integrity and honesty in all decisions and actions;
- promoting healthy, safe and balanced lifestyles;
- fostering a diverse and inclusive community committed to civility, open-mindedness and finding common ground.

Therefore, a balance of individual and community health and growth guides Middlebury's approach to all endeavors, and to the policies that support those endeavors.

## **ii. Non-discrimination Statement**

As described in the Middlebury-Wide Policies, the College complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law. Middlebury also complies with all other anti-discrimination protections that might be provided by particular states in which it operates educational programs; questions about the scope of any such protections should be addressed to the [Compliance Officer/Title IX Coordinator](#) and/or the on-site administrative representative for the particular program at issue. The Compliance Officer/Title IX Coordinator coordinates Middlebury's efforts to comply with any and all federal and state laws that prohibit discrimination on the basis of one or more of the protected characteristics listed above. Discrimination complaints are processed in accordance with the procedures set forth in Middlebury's [Non-Discrimination Policy](#). Complaints about sexual misconduct, dating violence, stalking, etc. are handled in accordance with Middlebury's Policy Against Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking. Information about the work of the Community Bias response Team is available [here](#).

## **iii. Scope of Oversight**

Students will be held accountable for policy violations that take place between the time they are accepted at Middlebury and their graduation or official program completion, or Middlebury's confirmation of their



resignation or expulsion. Conduct that takes place on or near Middlebury premises or property; occurs at or in connection with a Middlebury-related event; or occurs off-campus but may represent a threat to the safety of the Middlebury community or its members, the pursuit of its objectives, and/or the educational environment of others, may be subject to Middlebury's disciplinary process. In cases where a student is found responsible for a policy violation while participating in any Middlebury or non-Middlebury program, the finding of responsibility may also be referred to the appropriate authority overseeing any additional Middlebury program in which the student is or will also be enrolled for other action as deemed appropriate. This may include but is not limited to: further investigation; additional adjudication under existing policies (using only information gathered in the first disciplinary process, or using subsequently gathered information, or both, as deemed appropriate by the overseeing authority); disciplinary action; or other remedies or processes deemed appropriate by the authority overseeing the additional Middlebury program.

Middlebury retains sole discretion to determine whether to initiate an investigation and adjudication under this policy regardless of the outcome of any disciplinary proceeding conducted by a non-Middlebury institution or program and/or the outcome of any law enforcement investigation or court proceeding.

#### **iv. Pending Discipline**

A student respondent will not be permitted to graduate from or otherwise be deemed to have officially completed a Middlebury program in which they are enrolled while a disciplinary matter is pending; the student's graduation or certification will be held in abeyance until the matter is resolved. If a respondent withdraws with a disciplinary matter, sanction, or appeal pending, the withdrawal will be considered a resignation from Middlebury, and the student will have given up the opportunity to return to any Middlebury program. The student's official status at Middlebury will reflect the point in the process at which they withdrew, and the nature of the finding and sanction, as appropriate. Examples include but are not limited to "Withdrawal with a Disciplinary Matter Pending," "Withdrawal with a Disciplinary Sanction Pending," and "Withdrawal with a Disciplinary Appeal Pending."

In extraordinary circumstances, the appropriate supervisory authority may, after appropriate consultation, a review of the case, and consideration of Middlebury's best interests, grant permission for a respondent to withdraw from Middlebury when a disciplinary matter is pending. If the student is readmitted to Middlebury, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return (as determined by Middlebury). See [Student Status](#) for more information. Middlebury may also notify all institutions or programs in which the student is (or will be) enrolled of any pending or unresolved disciplinary matter pertaining to that student.

#### **v. Deadlines**

Several Student Life policies include deadlines. Unless otherwise noted, "days" indicates calendar days, regardless of whether the majority of Middlebury's administrative offices are open. "Business days" indicates days on which the majority of Middlebury's administrative offices are open, and generally connotes Mondays through Fridays. In computing any period of time referenced in this policy, the day of the act or event (e.g., notification of hearing, issuance of an outcome letter, etc.) from which the designated time period begins to run shall not be included. The last day of the period so computed shall be included if it is a business day; when not a business day, the period will conclude at the end of the next business day.

## **B.2.b. General Conduct Policy**

### **A. Respect for Persons**

All students, as members of the Middlebury community, are expected to respect the dignity, freedom, and rights of others.

Middlebury prohibits the use of violence against any individual, including dating misconduct, the negligent or reckless use of physical force, as well as the incitement or provocation to violence. Middlebury also prohibits conduct that may reasonably be expected to exploit or coerce, including sexual exploitation, and/or domestic/dating misconduct. Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that other person without that other person's consent, such as recording video or audio of someone's sexual activity, intimate body parts or nudity, without that person's consent. Domestic or dating misconduct is threatening or coercive behavior that does not involve violence but occurs in a domestic or dating relationship.

In addition, students may not engage in behavior that prevents someone's ability to communicate or move freely, behavior that violates someone's privacy; entering someone's room or office without authorization or invitation, or stalking. Stalking is defined as two or more acts that would cause a reasonable person to fear for the person's safety or the safety of others, OR to suffer substantial emotional distress. Stalking can include non-consensual communication in any manner; pursuing, waiting or showing up uninvited in places frequented by the person; surveillance or voyeurism, trespassing, vandalism, non-consensual touching, threats, threats to harm oneself, and use of a third party to accomplish any of these actions.

Finally, behavior that violates common standards of decency, disobeys local laws, statutes, or health policies, fails to be responsible or good citizens, or demonstrates contempt for the generally accepted values of the intellectual community is prohibited.

## **B. Communicating with Honesty and Integrity**

Middlebury's General Conduct Standards and [Middlebury-Wide Policies](#) include acting with integrity and honesty in all actions and communications relating to Middlebury. Therefore, providing information to any member of the Middlebury staff or faculty that an individual knows or reasonably should know is false or misleading is a serious violation of Middlebury policy.

## **C. Respect for Middlebury's Educational Function**

Any substantial disruption of Middlebury's educational function is prohibited.

## **D. Respect for the Authority of Middlebury Officials**

Middlebury depends on employees and agents to advance the educational mission of the institution. These employees and agents include but are not limited to faculty members; deans; administrative, custodial, dining, and library staff; Public Safety and Campus Security officers and their equivalents; residential life staff; and other individuals such as members of the police and ambulance forces, service providers, and security staff. All students are expected to respect the authority of these individuals when they are executing their responsibilities for Middlebury. Students are expected to cooperate fully in the disciplinary process and any student, whether a party or a witness, who refuses to cooperate may be subject to discipline. Failure to comply with requests from Middlebury officials will subject a student to disciplinary sanctions. Students are expected to identify themselves by showing their Middlebury identification card upon request of Middlebury officials.

## **E. Respect for Middlebury's Resources and Others' Property**

Middlebury's educational mission depends on careful stewardship of our shared resources, including campus buildings, land, and other property, and of the property of members of our community. Theft, vandalism and property damage are prohibited. Unauthorized use of services, including dining hall meals and materials, and disposition of property to another under the pretense that it is one's own, are forms of theft. Sanctions will

include restitution or replacement and may also include disciplinary sanctions. When such theft or damage constitutes a criminal offense, it will ordinarily be reported to law enforcement authorities.

## B.2.c. Policy Against Hazing

*Last updated September 7, 2023*

Middlebury's [General Conduct Standards](#) include promoting healthy, safe, and balanced lifestyles. Student organizations and athletic teams can play a vital role in this process, and can provide transformative opportunities for friendship, leadership, and personal growth and discovery. Hazing of any kind is antithetical to these goals; therefore, Middlebury prohibits hazing activities, whether by an individual or an organization. In keeping with Middlebury's prohibition of any kind of hazing, training and educational activities are periodically conducted with appropriate staff who support students and campus life.

### 1. Policy Statement

Middlebury prohibits hazing activities of any kind, whether by an individual or an organization, and including passive participation in hazing activities. Because of the socially coercive nature of hazing, implied or express consent is not a defense under this policy (or under state law). Passive participation in hazing may include witnessing hazing taking place as a group member, affiliate or guest, or participating in or being present in person or via technology in discussions where hazing is planned. Hazing activities violate this policy whether or not they involve alcohol, and whether or not they occur on a Middlebury campus. Hazing activity may lead to disciplinary proceedings against individuals and/or organizations, including but not limited to disciplinary consequences for individuals, and/or the probation, suspension, or termination of a student organization or athletic team. Culpability for any violations of this policy may be attributed to active and passive participants, the student group and/or its members, and elected or appointed officers.

Hazing activity is subject to additional penalties or fines and/or criminal prosecution by the state of Vermont; *See* 16 V.S.A. Sec. [570k](#) & [570l](#); see also *Referral to Law Enforcement*, below.

The student leaders of all registered student organizations and athletics programs are required to acknowledge annually that they will comply with the terms of Middlebury's *Policy Against Hazing*. Retaliation against any individual, directly or indirectly, for making or participating in a complaint about hazing is prohibited under Middlebury's general [Retaliation policy](#).

### 2. Definitions

For purposes of this policy, hazing is defined as any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, participating in, or maintaining membership in any organization or team that is affiliated with Middlebury; and that is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of the student. Hazing also includes planning, soliciting, directing, aiding, or otherwise participating actively or passively in the above acts.

Activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals is not considered to be hazing, provided that:

- (i) the goals are approved by a Middlebury official who oversees the activities of the organization or team (e.g., coach or Office of Student Engagement); and
- (ii) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by Middlebury, and normal and customary for similar programs at other educational institutions.

"Organization" means an athletic team, association, corporation, order, society, corps, cooperative, club, student organization, or other similar group, whose members primarily are students at Middlebury, and which is affiliated with Middlebury.

"Pledging" means any action or activity related to becoming a member of an organization.

"Student" includes but is not limited to any person who is enrolled in or pursuing a degree or credit in any Middlebury program.

### **a. Examples**

Middlebury policies include the prohibition of many activities that have traditionally been associated with hazing, such as illegal substance use and abuse, vandalism, theft, verbal or physical abuse or threat of harm, sexual harassment, and other forms of harassment. In addition to those activities and conduct expressly prohibited elsewhere in this Handbook, examples of prohibited individual/group activities that may constitute hazing when otherwise falling within the definition above include but are not limited to the following:

- i. Encouraging the use of alcohol or illegal drugs
- ii. Shaving, tattooing, piercing or branding
- iii. Engaging in or simulating sexual acts
- iv. Threatening or causing physical restraint
- v. Nudity
- vi. Throwing substances or objects at individuals
- vii. Assigning unreasonable chores or acts of servitude
- viii. Forcing or coercing consumption or use of any substance
- ix. Causing excessive exercise, sleep deprivation or excessive fatigue
- x. Interfering with adequate time for study
- xi. Requiring the wearing of apparel or acting in a way that is conspicuous and not within community norms
- xii. Blindfolding
- xiii. Subjecting students to abusive or demeaning conduct

## **3. Policy Violation Review Process**

### **a. Authority**

The Vice President for Student Affairs or an appropriate designee (hereinafter referred to as "VPSA") monitors the implementation of this policy and imposes sanctions for violations. Any questions concerning the interpretation or application of this policy should be referred to the VPSA.

### **b. Reporting**

All Middlebury community members are expected to report activities believed to be hazing to a Class Dean, director of Athletics, Office of Student Engagement, or the VPSA. See contact information below.

### **c. Process**

- i. When an allegation of hazing or related retaliation is made, the VPSA or appropriate designee will determine

initially whether the report or complaint alleges conduct that is prohibited by this policy and whether an investigation should be initiated. The VPSA may also suspend the activities of the organization or the activities of individual members thereof pending the outcome of the investigation.

ii. If the VPSA determines that an investigation should proceed, an investigator(s) will be appointed to conduct an investigation. The investigator is authorized to contact any and all individuals with potentially relevant information, and to access relevant records and documents. The nature and scope of the investigation is within the discretion of the investigator and/or the VPSA.

iii. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information, including documents, evidence, statements, etc. Participants may be asked to keep the substance of their interview with the investigator confidential.

iv. After the investigation is completed, the investigator shall issue a report to the VPSA that includes recommended findings, based on a preponderance of the evidence standard, i.e., whether it was more likely than not that this policy was violated. The report may be issued in a form appropriate to the nature of the investigation, including oral reporting, and will be accompanied by all evidentiary material considered in the investigation.

v. Prior to the VPSA's determination, the VPSA will provide a summary of allegations to the student leaders of the organization under investigation, and the organization will have an opportunity to provide a responsive statement by a deadline established by the VPSA.

vi. After review of the investigator's report, the evidentiary material and the responsive statement, if submitted, the VPSA shall issue a determination as to whether hazing occurred, based on a preponderance of the evidence standard. The complaining party, if identified, and the responding party under investigation will ordinarily be notified of the VPSA's determination as to whether there was a policy violation.

#### **4. Sanctions**

a. Sanctions for organizations may range from permanent suspension of recognition or authorization to operate, through cancellation, termination or restriction of activities and events, and other sanctions tailored to the particular circumstances.

b. Sanctions for individuals may include all of the usual sanctions under Middlebury's [disciplinary policies](#), fines and restitution, as well as other sanctions tailored to the particular circumstances. The VPSA may refer hazing allegations concerning individual students to a judicial affairs officer for review, adjudication and sanctioning under the [General Disciplinary Process](#).

#### **5. Additional Policy Violations**

Reported incidents may be referred to Community Standards, CR/TIX, or other Middlebury official, as appropriate to the circumstances, to address alleged violations of other Middlebury policies, including but not limited to Middlebury's [General Conduct Standards](#) and [Non-Discrimination Policy](#).

#### **6. Referral to Law Enforcement**

Middlebury will ordinarily report allegations of hazing to law enforcement authorities when, in the judgment of the VPSA, the nature of the allegations suggests that the hazing activity, if it occurred or is occurring, presents a risk of serious harm to students or other persons, or involves a potentially serious violation of law.

#### **7. Contact Information**

[Department of Public Safety](#)

Emergency: 802.443.5911

Non-emergency: 802.443.5133

### Vice President for Student Affairs

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## **B.2.d. Student Conduct Process**

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# I. Introduction to Middlebury Student Discipline Processes<sup>2</sup>

## a. Overview<sup>2</sup>

Middlebury strives to balance individual growth with community health and growth, through our shared [Community Standards](#), [Middlebury-Wide Policies](#), [General Conduct Standards](#) for students, and the student discipline procedures that enforce general conduct expectations. Our discipline processes are intended to be educational, first and foremost. Where other Middlebury policies specify separate procedures, those procedures will apply.

The Office of Community Standards and the Judicial Board's enforcement of Middlebury policies is under the oversight of the Vice-President for Student Affairs. The VPSA is responsible for consulting with the Vice-President of Academic Affairs in regards to academic honesty and integrity, and other student conduct expectations. The VPSA is responsible for establishing appropriate investigation, adjudication, and appeal procedures for the Judicial Board. These procedures are published in the Middlebury Handbook. Suggested revisions may be submitted to the Office of Community Standards, and/or the VPSA at any time, although revisions are ordinarily implemented during the summer. The Office of Community Standards will make available to the faculty a report about Judicial Board matters in the aggregate, without personally identifiable information, on an annual basis.

Concerns about student behavior should be shared with the Office of Community Standards as a starting point, although the Office may refer specific behaviors to other processes, for example the TIX Investigation & Resolutions Procedure. The Office of Community Standards administers the disciplinary procedures for both academic conduct, and student life conduct. Concerns about academic integrity as well as non-academic student behavior should first directed to the Office of Community Standards, unless they involve discrimination, in which case they should be directed first to the Civil Rights/Title IX Coordinator.

Conduct matters may be resolved in several ways. Restorative justice may be available for both academic and non-academic issues. Conduct issues where the relevant facts are not in dispute will ordinarily be resolved by the assignment of a sanction from the Office of Community Standards. If a student is assigned a sanction of official college discipline, they may appeal that sanction to the appropriate Vice-President or Dean. For conduct issues where the facts are disputed, a hearing will be held before the Judicial Board. The Board will determine the facts and make a recommendation regarding sanction to the Office of Community Standards. Procedures for Judicial Board hearings are outlined below.

## II. Preliminary Issues<sup>2</sup>

### a. Applicability of These Procedures<sup>2</sup>

As described in [Section B.2.a.iii, Scope of Oversight](#), students will be held accountable for policy violations that take place between the time they first arrive on campus to begin their Middlebury program and their graduation, or the College's confirmation of their withdrawal or resignation. As described in [Section B.2.a.iv, Pending Discipline](#), a student respondent will not be permitted to graduate from or otherwise be deemed to have officially completed a Middlebury program in which they are enrolled while a disciplinary matter is pending.

### b. Administrative resolution<sup>2</sup>

In certain circumstances, the Office of Community Standards (or the Vice President for Student Affairs) has discretion to charge an appropriate Middlebury official, such as the Vice President for Academic Affairs or Dean of the Faculty, to adjudicate a matter. Such circumstances may include adjudicating a matter with compelling privacy interests, such as a case of sexual exploitation, or an alleged violation of an active NCO after the conclusion of a TIX investigation, or adjudicating an alleged academic conduct violation during the summer



when there are compelling circumstances, etc. While the adjudication process will be tailored to the particular circumstances of the matter, it will adhere to the principle of fundamental fairness for the parties involved. In these cases, the Office of Community Standards or Vice President for Student Affairs may also adjust the sanctioning and appellate authority as necessary.

### **c. No Contact Orders**

When a verbal or physical altercation, sexual misconduct, stalking, harassment, discrimination, retaliation, or hazing has been alleged, or when otherwise deemed appropriate under the circumstances, the VPSA, dean of students, student life deans, Human Relations Officers, Civil Rights/Title IX coordinator, Assistant Director for Student Success and members of the Public Safety staff have the authority to issue No Contact Orders to the persons involved, whether or not disciplinary action is taken. A No Contact Order is used to restrict encounters between individuals. While a No Contact Order is not a disciplinary sanction, and will not appear on a student's disciplinary record, refusal to adhere to the order after written or verbal notification of its terms is prohibited and may result in disciplinary action.

No Contact Orders ordinarily remain in effect until all, or all but one, of the involved students is permanently separated from the College through graduation, resignation, transfer or expulsion, at which time NCOs are closed and archived. No Contact Orders can be modified by those with the authority to issue them in response to changes in the parties' circumstances, and can be rescinded by the issuing authority at the request of both parties to the No Contact Order. If a No Contact Order is in place between parties in an active adaptable resolution process, any communication between parties that is coordinated by an adaptable resolution facilitator will not be considered a violation of the No Contact Order.

### **d. Legal Proceedings and Legal Counsel**

Middlebury College disciplinary action is distinct from and not dependent upon the outcome of any legal proceedings involving a student, although conduct that forms the basis for legal proceedings may also warrant disciplinary action by Middlebury, and conviction of a crime may in itself justify disciplinary action.

Individual students may pursue criminal or civil legal action, or be required to respond to it. While students are enrolled in any Middlebury program, they must inform Middlebury if they are charged with a felony by state or federal authorities. Failure to do so may itself result in disciplinary action.

Middlebury endeavors to provide general supports to students involved in personal legal proceedings but has no role to play in such actions, and may not interfere in them. Middlebury officials and other students may, like all persons, be compelled to give testimony or evidence if subject to the subpoena power of a court.

### **e. Cooperation and Honesty**

Consistent with Middlebury's core requirement of honesty and cooperation, students are expected to cooperate in all disciplinary proceedings, be honest and straightforward in their participation, and provide accurate information. The provision of false or misleading information to the Office of Community Standards or the Judicial Board may itself be grounds for disciplinary action. Deliberate violations of this provision are considered serious offenses.

### **f. Principles of Fundamental Fairness**

Middlebury's discipline procedures are driven by our commitment to fundamental fairness. Among the considerations weighed by the Vice President for Student Affairs in establishing these procedures are: (1) ensuring that Middlebury's conduct expectations are reasonable, (2) ensuring that students have reasonable notice (they know or should have known) about the conduct expectations, (3) providing that disciplinary procedures are carried out by individuals who are properly trained and authorized to act, (4) utilizing procedures



that result in outcomes based on meaningful evidence, and (5) ensuring that students have notice of the charges against them, as well as an opportunity to present evidence, and (6) providing for appeals in processes that result in a sanction of official College discipline.

Colleges are not courts of law, and Middlebury's disciplinary proceedings have as their fundamental goal *education*, rather than criminal punishment or compensation. Middlebury does not have the power to subpoena evidence or place witnesses under oath, and procedures are therefore necessarily different from a civil or criminal legal proceeding. However, the procedures outlined below and in the [Title IX Investigations and Resolutions Procedure](#), as well as the [Non-Discrimination Investigations and Resolutions Procedure](#), are designed to provide fundamental fairness and to protect students from arbitrary or capricious disciplinary action. All disciplinary authorities of Middlebury, including judicial board members, deans and Human Relations Officers conduct their proceedings in the spirit of these principles. If exceptional circumstances dictate variation from these procedures, the variation will not invalidate a decision unless it prevented fundamental fairness.

### III. Charges and Evidence

- a. Concerns regarding student behavior may be brought to the Office of Community Standards by any individual, whether or not they are a member of the Middlebury College community.
- b. A faculty member who believes a student has engaged in academic dishonesty shall submit a written statement of the facts supporting the charge to the Office of Community Standards. The faculty member's statement will serve as the formal presentation of charges to the Judicial Board, and therefore should be sufficiently detailed to enable all parties to respond and prepare for the hearing, if necessary.
- c. The Office of Community Standards may conduct an initial inquiry into the concern to determine whether or not to bring charges against a student. This inquiry may include gathering evidence, including statements from witnesses and documentary evidence, as well as other steps to understand the issue.
- d. The Office of Community Standards may have an investigative report prepared, for example by the Department of Public Safety, ITS, or other individual, as appropriate.
- e. The Office of Community Standards will ordinarily notify the student with a written statement of the charges being considered, and explain how the student may provide information for consideration.
- f. Formal or legal rules of evidence do not apply in Middlebury disciplinary proceedings. The Office of Community Standards is responsible for administering procedures to ensure they are based on meaningful evidence. If a hearing occurs, the chair will make decisions on evidentiary or procedural questions that must be resolved during the hearing. The majority of the Board may override the chair's decision, if they disagree.

### IV. Restorative Resolutions

- a. If a student accepts responsibility for violating academic or non-academic policy, a Restorative Justice Panel (RJP) may be called to explore and identify the harm to individuals and/or community, and work with the responsible party to design an action plan and outcomes to repair harm caused.
- b. For academic policy violations, students must report the violation to the Office for Community Standards within 72 hours of submitting the assignment. Additionally, the faculty member must be a willing participant in the restorative process and agree to the action plan/outcomes. If the faculty member is unwilling to participate, students may choose to engage the Dean's Disposition process.
- c. For non-academic policy violations, harmed parties are welcome participants in a Restorative Justice Panel, but they are not required to attend, as board members can represent the perspective of the community.

- d. All action plans must be approved by the Office of Community Standards. Students participating in a Restorative Justice Panel are required to complete the action plan within the agreed-upon timeline or they will be referred back to the Office for Community Standards for sanctioning.
- e. Restorative Panels will be comprised by one faculty, one staff, and one student, trained in Restorative Practices.

## V. Dean's Dispositions

- a. After written notice of the concern or charges against them, and the student's opportunity to provide evidence, the Office of Community Standards will determine whether there are disputed facts at issue.
- b. At any time, a student respondent may notify the Office of Community Standards that they do not contest the charges and the Office may issue a sanction appropriate to the violation.
- c. Where there are no disputed facts at issue, the Office of Community Standards will issue a sanction appropriate to the violation.
- d. If the student objects to a sanction other than official College discipline, they may submit a statement of their objection within three days to both the Community Standards Office and the Dean of Students. The Dean of Students and the Community Standards Office shall discuss the sanction and the student's objection, and provide a written explanation of a decision to retain or adjust the sanction if appropriate.
- e. If the sanction is a form of official College discipline for academic misconduct, the respondent may appeal the determination of responsibility to the Dean of Faculty, as described below.
- f. If the sanction is a form of official College discipline for non-academic misconduct, the respondent may appeal the determination of responsibility to the VPSA or Dean of Students, as described below.

## VI. The Judicial Board

### a. Composition

- i. The Judicial Board is comprised of students, faculty and staff, including: (1) a member of the faculty or academic administration appointed by the president of Middlebury, (2) at least two faculty members, (3) at least four students, and (4) at least two staff members. A subset of the larger board will be used for judicial hearings. The composition of which will include at least one faculty member, at least one staff member, and at least three students. Either the presidential appointee, staff chair, or student co-chair shall serve as the chair for a hearing.
  - 1. Faculty Council appoints the faculty members.
  - 2. Community Council appoints student members recommended by the selection committee. First-year students may not serve on the Judicial Board, however, Febs are eligible to apply for the fall semester after their arrival on campus. A student charged with a serious conduct infraction during their term of service may be required to step down from the Judicial Board, upon the request of the Office of Community Standards or a majority of the Judicial Board.
  - 3. Staff members are recommended by the Office of Community Standards and appointed by the Vice President of Student Affairs.
  - 4. After the Judicial Board is constituted, student members will elect a student co-chair. At least one co-chair must be present to convene a hearing.
- ii. Selection Committee: The Office of Community Standards will convene a selection committee each spring, including one Community Council student member, one Community Council staff or faculty member, one non-returning student member of the Judicial Board, and one staff or faculty member of the Judicial Board. This

selection committee will be responsible for advertising the availability of student positions on the Judicial Board; interviewing applicants; and submitting a slate of student members for the board to the Community Council for ratification. Whenever possible, at least one student member of the Judicial Board will have at least one year of prior experience. A student found guilty of a serious infraction of Middlebury rules by any Middlebury authority will be eligible for membership only after review by the selection committee in consultation with the Office of Community Standards.

iii. If the case involves a technical matter that falls outside the expertise of the members of the Judicial Board, the Office of Community Standards may invite an appropriate faculty and/or student adviser (without voting privileges) to assist the body during a hearing or deliberations.

iv. Quorum: Five members of the Board shall constitute a quorum, of whom at least three must be students. A finding of responsibility for a policy violation will result where no more than two Board members vote against a finding of responsibility.

v. Disqualification: Any member of the Judicial Board who has a conflict of interest in a particular proceeding is disqualified from sitting on that case. If a member of the Board is disqualified, normally an alternate member from the same constituency will be selected to participate.

## **b. Hearing Procedures**

i. The Office of Community Standards administers hearings, including but not limited to assisting in scheduling, identifying and approving witnesses, providing required notice to parties, witnesses and Board members, identifying and preparing materials to be reviewed by the Board, and offering access to those materials to the parties. Staff of the Office must be present during deliberations of the Board and may provide procedural advice to the Board, to ensure consistency and equity. Staff of the Office serve as secretary to the Board, to formally record factual findings and recommendations of the Board regarding sanction. Hearings and all Board deliberations are confidential.

ii. The burden of proof rests on Middlebury to establish by a preponderance of the evidence that the charged conduct occurred.

iii. Accused students will be provided with access to the charge statement, if applicable, and all related materials that will be shared with the Board, in advance of a hearing.

iv. Normally, a hearing will be scheduled at least one week after the charge statement has been provided to the student. (Shorter deadlines may apply in cases involving seniors at the end of their final term, or with the agreement of the accused student(s).) Participants will be notified of the date, time and location of the hearing at least two business days before the hearing.

v. The responding student will be notified in advance of the identity of any complainant as well as any witnesses who will attend the hearing.

vi. All written evidence intended to be introduced at the hearing must be provided to the chair of the board prior to the commencement of the hearing. The chair reserves the right not to consider written evidence not provided in advance.

vii. In academic honesty cases, the faculty member initiating charges shall participate in the hearing to explain the charges and to ask and answer questions.

viii. Attendance: The respondent, complainant, and all required witnesses are expected to be present at the time and place of the scheduled hearing. Normally, participation in or attendance at judicial hearings shall be limited to students and employees of Middlebury, unless another person can offer directly relevant testimony, which must be approved by the Office of Community Standards. Failure to appear at a scheduled hearing after proper notice may subject a student to disciplinary penalties up to and including suspension. Judicial proceedings take

precedence over academic and nonacademic activities, and students shall be excused from other obligations to participate in the proceedings. Should a respondent who has been properly charged and notified of a scheduled hearing fail to appear, the hearing may proceed and sanctions may be imposed as if the respondent were present.

ix. Hearings will be recorded, which recording is the property of Middlebury. In the event of an appeal, the recording will be made available to the respondent and the appellate authority. The respondent must return copies of the recording after filing their appeal; recordings may not be used for any other purposes. Recordings will be retained for an appropriate period of time and then destroyed.

x. Individuals participating in the hearing as a complainant (including a faculty or staff member) and the student-respondent may each be accompanied by an adviser of his or her choosing from the Middlebury community. This person may be consulted by the respondent during the hearing, but, unless specifically invited by one of the co-chairs, may not otherwise participate in the proceedings. Prior to the commencement of the hearing, each student shall provide the chair with the names of persons serving as their support person. The names will be shared with the respondent and complainant.

xi. The respondent has the right to be present throughout the hearing and to hear adverse testimony. In no case should the Board consider evidence against a student unless the source, author, and content of any statement or other evidence has been identified to the student, and the student has been given the opportunity to rebut the statement or respond to the evidence.

xii. Immediately after a hearing, the Board will deliberate and make determinations of the facts, based on the preponderance of the evidence under consideration at the hearing. After the facts have been determined, the Judicial Board will make a recommendation to the Office of Community Standards on whether or not the respondent should be found responsible, or not responsible for a policy violation.

xiii. After a finding of responsibility, the Office of Community Standards may share a written character reference relating to the respondent with the Judicial Board, for their consideration in connection with their recommendation for a sanction.

xiv. If a hearing results in a finding of not responsible, there will be no record of the charges or the hearing in the student's permanent file.

xv. The Office of Community Standards will ordinarily give written notification of the determination of the Board, and the sanction assigned by the Office, to the student charged. Failure to meet this guideline does not invalidate a decision or form a basis for appeal.

## VII. Sanctions

Middlebury College's sanctions are generally described in Section B. 2. e. of the Handbook and the information below is specific to conduct matters addressed under this process.

a. Sanctioning Philosophy: When assigning a sanction, mitigating factors such as apparent motivation of behavior or a student's response to the process may be considered. Additionally, since conduct is cumulative at Middlebury, disciplinary history may be a factor in sanctioning. To the extent possible, sanctions will balance the principles of consistency and equity.

b. Sanctions are ordinarily issued by the Office of Community Standards. However, Middlebury officials including the VPSA, DOS, Deans, and RDs may issue sanctions when they determine that Middlebury student life policies have been violated. These officials, and the Office of Community Standards, may also issue restrictions on Middlebury privileges, such as housing lottery participation or guest privileges, and assign educational sanctions such as research or reparative community service, as appropriate. Students may appeal the issuance of official College discipline by Deans and RDs; they may not appeal unofficial sanctions, such as warnings, reprimands and probationary status.

c. Plagiarism, cheating, or any other violation of the Undergraduate Honor System is normally punishable by suspension. In 1997, the faculty reaffirmed its commitment to suspension as the normal outcome for violations of the standards of academic integrity. Students found guilty of academic dishonesty will normally fail the course in which the offense occurred. On rare occasions, if compelling reasons exist for not suspending a student found guilty of academic dishonesty, the sanctioning authority may issue no less than a reprimand and invoke either of the following penalties: a 0 or an F on the piece of work, or a 0 or an F in the course.

d. Upon written request, the outcome of any disciplinary proceedings involving a crime of violence will be shared with the victim, or next of kin.

## VIII. Appeals

a. Appeals are reviewed by Middlebury authorities who did not participate in the initial determination, and are trained to be impartial and free from a conflict of interest.

b. Appeals are permitted on the following bases only:

i. Discovery of significant new factual evidence not available to the initial decision-maker (does not include omission by the respondent of information or testimony)

ii. A procedural error or violation that prevented fundamental fairness. A determination that a procedural error or violation occurred and prevented fundamental fairness may result in a new determination using the correct procedures but a procedural error is not a factor in reducing a sanction when the appeal upholds the finding of responsibility for violating a policy.

c. Appeal submissions that do not satisfy at least one of these bases will be denied without further process, either by the Office of Community Standards or the appeal authority.

d. A sanction of suspension or expulsion is ordinarily stayed pending the outcome of any appeal authorized by the Handbook. However, in circumstances that satisfy the [Emergency Removals](#) provision in Middlebury-Wide Policies, suspension or expulsion will take effect immediately regardless of the pendency of an appeal.

e. Appeals from Dean's Dispositions and Judicial Board hearing procedures:

i. If the sanction is a form of official College discipline for academic misconduct, the respondent may appeal the determination of responsibility to the VPAA/Dean of Faculty by submitting a written appeal within five business days of being notified of the determination and sanction

ii. If the sanction is a form of official College discipline for non-academic misconduct, the respondent may appeal the determination of responsibility by submitting a written appeal within five business days to the VPSA or Dean of Students.

iii. Appeals to the DOF and the VPSA will follow the same process:

1. The DOF or the VPSA may grant extensions of time for the respondent to appeal, upon request.
2. The DOF or the VPSA will provide a copy of the written appeal to the Office of Community Standards, and the Office will provide access to the records of the case to the DOF or VPSA.
3. The DOF or the VPSA may consult with the Office of Community Standards and any other relevant individual regarding the appeal, as appropriate.
4. The DOF or the VPSA will consider whether the appeal demonstrates by a preponderance of the evidence one of the bases for further action, and may require re-consideration by the initial decision-maker, re-convening the original Judicial Board, convening a new Judicial Board, to re-hear the entire matter or only a limited portion, or may require re-deliberation on the sanction.
5. The DOF or the VPSA will ordinarily notify the student of their decision within seven business days of the receipt of the records of the initial determination, but this time may be extended if compelling

circumstances warrant, and variation from this shall not invalidate a decision.

6. If reconsideration of some kind is required, the Office of Community Standards will take the appropriate steps to implement the decision of the DOF or the VPSA, as necessary.
7. Decisions of the DOF and the VPSA, or reconsideration of the initial determination by the Dean or the Board after a successful appeal are final, and not subject to further appeal, absent extraordinary circumstances.

## B.2.e. Sanctions

When determining a sanction, the nature and severity of the violation and the impact to individuals or community will be taken into account as well as the disciplinary history of the student. While intent is not a factor in determining responsibility, it can be a factor in determining a sanction. A student's compliance with the process may also be a factor in determining an appropriate sanction. Finally, balancing consistency by acknowledging precedent and equity by considering the impact of the sanction on the individual is a foundational tenet of sanctioning.

**a.** Sanctions may only be imposed for the specific charge of which the student has been notified in writing.

**b.** It is important to note that discipline is cumulative at Middlebury, and further infractions, for example, following the successful conclusion of a probationary period, may still result in more severe outcomes.

**c. Middlebury College Sanctions include** (but are not limited to):

**i. Informal College discipline:** The following sanctions are informal College discipline and not part of the student's permanent record. Students who receive these sanctions can answer negatively if they are asked if they have been subject to official College discipline. A record of the sanction remains in a student's file until graduation, when it is removed. These sanctions are taken into account in determining future disciplinary penalties and may serve to make further violations of Middlebury policies more serious.

1. ***Fines or restitution:*** Fines or restitution are commensurate with the nature of the offense. The monetary cost of the harm done may be taken into account in assessment of a fine or an order of restitution.
2. ***Warnings:*** A verbal or written warning may be issued when a student has violated Middlebury College policy. A warning is intended to educate the student about community standards, Middlebury policies and/or state laws, and the need to adhere to them.
3. ***Reprimands:*** A letter of reprimand may be issued when a student demonstrates an inability or unwillingness to abide by community standards by repeatedly violating Middlebury policy. A letter of reprimand may also be issued when a student has committed a violation of College policy that has had or may have had a negative impact on an individual or on the community, or has undermined Middlebury's community standards. A reprimand registers strongly the College's concern regarding the student's actions and its firm expectations for immediate improved behavior. Parents or guardians are informed when students are reprimanded.
4. ***Probationary Status:*** Students may be placed on probationary status when the number or nature of their Middlebury policy violation(s) is sufficiently concerning that an additional policy violation will most likely result in official College discipline (please see below). Probationary status provides students with an opportunity to avoid this outcome. They may do so by demonstrating improved conduct, generally reflected in their sustained ability to respect community standards and adhere to College policies. If students commit new policy violations while on probation, an appropriate course of action will be determined. Considerations may include the gravity and impact of the new infraction; the student's

response during and following the new infraction; and the student's progress during the probationary period. Parents or guardians are informed when students are placed on probationary status.

**ii. Official College Discipline:** Official College discipline is intended to encourage immediate improved behavior, and acceptance of responsibility and growth by establishing this incident on the student's permanent record. Students who receive official College discipline must answer affirmatively if they are asked whether they have been subject to discipline. Parents or guardians are informed when students receive official College discipline.

1. **Academic Probation:** Academic probation is a sanction for academic integrity violations and extends for the rest of the student's College career. A student found guilty of academic dishonesty while on academic probation will be suspended. Parents or guardians are informed when students are placed on disciplinary academic probation.
2. **Letter of Official College Discipline:** Students may receive a letter of official College discipline when their actions have demonstrated disregard for Middlebury's community standards and policies such that an additional infraction of College policy will most likely result in suspension from Middlebury.
3. **Suspension:** Suspension is issued when a student commits a serious policy violation, or repeatedly violates College policy, thereby demonstrating an inability or unwillingness to behave in a manner consistent with Middlebury's community standards. The behavior is sufficiently egregious that the student is required to leave the Middlebury community for a period of time. It is intended to encourage acceptance of responsibility and growth by establishing this incident on the student's permanent record; to provide the student with an opportunity to consider and address the problematic behavior; and to develop strategies to ensure that the student's eventual return to Middlebury will be successful for the student and for the community.

Suspension is ordinarily imposed for a minimum of a semester and a maximum of three semesters. In determining the length of suspension, the Office of Community Standards will consider the student's prior conduct history; the gravity of the violation and its impact on the community; and the need for sufficient time for the student to demonstrate that the concerning behavior has been satisfactorily addressed. When the Office of Community Standards feels that suspension for three semesters is insufficient to allow for a student's successful return to the community, expulsion will be the normal outcome, barring exceptional circumstances.

If a student has been found guilty of academic dishonesty and the suspension does not take effect until the end of the semester, no opportunity may be granted to make up or otherwise fulfill the requirements of the course in question, although the student may complete all other courses in which he or she is concurrently enrolled. In this case, the course grade will be recorded as an F. A student suspended for academic dishonesty normally may not transfer to Middlebury course credits earned at other institutions during the period of suspension. However, this part of the sanction may be modified if compelling reasons warrant such action.

Students who are suspended must apply for readmission through the Administration Committee, and must demonstrate readiness to return to Middlebury. Readiness to return is determined by a student's adherence to the terms of the sanction and the deadlines of the readmission process; by the completion of any additional conditions that may have been established at the time of the student's departure; and by the provision of satisfactory evidence that the problematic behavior will not recur. If a student is unable to demonstrate readiness to return at the stated conclusion of the period of suspension, the Administration Committee may deny readmission until it is satisfied that the conditions that led to the student's departure have been appropriately addressed.

Students who are suspended must leave campus; are restricted from all Middlebury owned or rented properties; and are prohibited from participating in all Middlebury activities or programs, from Middlebury employment, and from using Middlebury facilities during the stated period of the suspension.

When suspension prohibits students from completing a semester they have already begun, the comprehensive fee for that semester is not refunded. Parents or guardians are informed when students are suspended. For international students, suspension may affect immigration status; related questions may be directed to the Office of International Student and Scholar Services.

4. **Expulsion:** For particularly serious offenses, students may be permanently dismissed from Middlebury. Please see Appeals Procedure below for more information. In cases of expulsion from Middlebury, no refund of the comprehensive fee is made. Parents or guardians are informed when students are expelled.

## B.2.f. Residential Life Policies

*Last updated August 12, 2017*

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2. [Housing Options on Campus](#)
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### (1) Fundamental Purposes

Middlebury College's [Community Standards](#) speak directly to the goals and values that underlie all of Middlebury's residential life policies: safety; respect for self, others and our shared environment; individual responsibility; and fostering a diverse and inclusive community committed to civility, open-mindedness and finding common ground. Enrolled students are required to live on campus for all 8 eight semesters and participate in the dining plan. A small number of upper class students may be permitted to live off-campus as authorized by the office of the Dean of Students (DOS). The procedure to request permission is [below](#). The College assigns housing and reserves the right to change and alter housing assignments to better serve compelling community interests.

### (2) Housing options on Campus

At Middlebury College, students are offered more than 60 on-campus buildings for student housing. All students are assigned to one of five [Commons](#) for the first two years. Juniors and seniors can choose from other housing options available across campus while remaining a member of their original Commons. Middlebury maintains houses in the belief that they can be a positive addition to the larger campus community and that they provide students with valuable opportunities for assuming responsibility for activities and programs that support the life of the Middlebury community.



In addition to First year and Sophomore housing with the Commons, the College offers Academic and Special Interest Houses that students can join on campus for students interested in pursuing common academic, co-curricular, and special interests. Oversight of these houses is the shared responsibility of the Office of the Dean of Students and the academic (in the case of Academic Interest houses) or administrative (in the case of special interest houses) department sponsoring the house. Rising sophomores, juniors, and seniors are eligible to reside in Academic Interest Houses. Students can choose from the other housing options in their junior and senior year.

More information on joining these houses and the Room Draw process can be found at:

<https://www.middlebury.edu/student-life/community-living/housing-information>

Middlebury reserves the right to reassign, restrict, and, suspend student housing where that decision will serve a compelling community interest, or in instances where a student has demonstrated a flagrant and/or repeated disregard for the principles set forth in the Handbook. This includes the restriction from participating in room draw and housing selection.

### **(3) Student Responsibilities and Expectations**

Residential Living Spaces are provided for Middlebury students only.

Students are responsible for what takes place in their rooms and common suite space, including parties and other activities, whether or not they are present. It is the student's responsibility to maintain clean and sanitary conditions in dormitory rooms, and must clear common space after personal use.

Students cannot switch rooms and keys or change residences without proper permission.

Students are not expected to be in areas that are not regular living spaces. They should not use areas outside of their living spaces for storage unless authorized. The list of spaces excluded from student use includes any roof or outer surface of any Middlebury building. Accessing a roof in any manner or climbing on a building is considered dangerous behavior and is prohibited; fines will be assessed. Unauthorized access to prohibited areas of Middlebury buildings (e. g. basements, closets, crawlspaces and/or attics) will incur fines (see [section on fines and fees](#)).

Students are expected to be considerate of others with respect to noise in the residence halls; see [Noise Policy](#) for more information. Conduct that creates a public disturbance in a residence hall or interferes with another student's ability to study is prohibited.

Students are expected to be responsible for their personal valuables and belongings. Middlebury does not accept responsibility for loss of money or other personal property or damage thereto which may occur in residence halls and elsewhere on campus. Students may wish to insure their property against such loss.

Students may not remove Middlebury-provided furniture from their bedroom for any reason, including but not limited to bedframes, mattresses, dressers, bookcases, chairs, desks and wardrobes. Removal of any College furniture without proper permission will result in a fine. Limited medical or ADA exceptions may be granted with appropriate approval. For a list of furniture that are not allowed on campus, please read [here](#).

### **(4) Use of Residential Spaces**

#### **(a) Living and Learning**

**Residential spaces are ordinarily entitled to a higher degree of privacy than public spaces.** Residences are provided to support the co-curricular learning. However, the overall safety of our campus and our community justifies balancing individual expectations of privacy vs. community interests. Solicitation in residence halls for any purpose by persons outside the Middlebury community is prohibited.

**(b) Guest Policy**

A guest of a student may stay in a dormitory no more than three days in any one term. All guests must register in advance with the Department of Public Safety. Residential Life staff must be told in advance where the guest is staying. No guests may stay overnight in residential lounges, or stay overnight on campus when Middlebury is closed. Students are responsible for the behavior of their guests. Middlebury reserves the right to remove any guest whose behavior is not appropriate, and to rescind the privilege of hosting guests. Failure to follow the guest policy will result in fines and loss of privilege to host guests. See [guest policy](#).

**(c) Entry by College Officials****i. Entry into Student Residence Halls, Houses and Suites**

The Department of Public Safety is responsible for patrolling residential areas on campus and may enter student residence halls and houses in order to perform their duties (examples: locking the building, responding to complaints and calls for service, party checks, etc.). Since many residential houses need to be patrolled and may require checks or locking (examples: Homestead, Jewett, Weybridge, The Mill), officers may enter the communal areas as appropriate. Public Safety officers respect a student's right to privacy and do not enter more private areas such as suites or very small houses without knocking and gaining permission to enter, unless conducting a party check, addressing significant Middlebury policy violations, or in accordance with the other entry policies listed above.

**ii. Possession and Securing of Evidence**

The Department of Public Safety is authorized to enter a student's residence to take possession of and secure evidence of a serious Middlebury policy violation. Department of Public Safety and other Middlebury officials should enter a student's room only under certain circumstances and in conformity with the procedures outlined in Entry into Residential Rooms. In the event that stolen property or prohibited/illegal goods are observed, the items will be confiscated, notice will be sent to the Commons for appropriate action, and the occupants of the room will be notified.

- **Procedure for Entry in Non-Emergency Situation**
- **Community Service**

Middlebury officials may enter a student dormitory room to perform a community service: e.g., to turn off an unattended alarm clock or radio, to mitigate property damage, or to allow authorized designees to retrieve residents' belongings.

- **Routine Inspections and Repairs**

Middlebury conducts routine inspections of student rooms in the dormitories to check on violations of health and safety regulations and to recover misappropriated property. Inspections are held at reasonable times, in a manner that will least inconvenience residents. Students are notified by voice-mail and written notice at least 24 hours but not more than two weeks prior to the inspection. Students discovered in violation of health and safety regulations, or in possession of stolen property or illegal goods, are subject to normal Middlebury disciplinary action as appropriate. During vacation periods, student rooms in Middlebury-owned housing are inspected to check heat settings, to ensure that lights and appliances are turned off, and that windows are closed. Following such inspections, or at other times, facilities services personnel may enter student rooms to make repairs. (See [Notification of Entry, below](#).) Occasionally, Middlebury officials may need to enter a room for reasons other than those listed in this section, such as to evaluate a room for planning purposes and space needs. In these circumstances, 24-hour notice will be given and the requester will attempt to coordinate a mutually agreeable time with the student.

- **Communications Infrastructure Maintenance**

Improperly configured or malfunctioning computer or communication equipment can seriously degrade the operation of Middlebury's communication networks. It may be necessary for personnel to enter a student room to confirm the location of such a device, and, if necessary, disconnect it from the network until the situation can be resolved. ITS will attempt to contact the student before entering the room, but time-critical situations, where significant network services are impacted, may require entry without prior approval. Students' computers will not be touched without their prior consent; room entry will be only for

the purpose of confirming that the misbehaving computer has been properly identified. For the protection of the student, the Department of Public Safety and/or the Commons office will be notified if entry is made without prior approval. Any temporary disconnection will be made in the network equipment closet, without directly handling students' property.

- If students request assistance from ITS to repair a problem with their network connection, they may give ITS permission to enter the room and disconnect equipment for testing and troubleshooting in their absence. Similarly, Telephone Services personnel may enter student rooms in the residents' absence to effect repairs to voice telephone equipment or infrastructure. (See [Notification of Entry, below.](#))

- **Procedure for Entry in Emergency Situation**

- **Emergency Entry**

Middlebury officials are authorized to enter a student's room without prior notice in emergency circumstances, such as a fire, fire alarm, fire drill, an immediate threat to health, safety or property, a call for help, report of weapon(s) or what reasonably seems to constitute an emergency situation. Middlebury officials may search the room and/or take other additional steps as necessary to reduce the risk of harm to individuals.

- **Special Room Inspection**

In addition to the circumstances described above, Middlebury officials may initiate entry of a room and/or a room search when there is reason to believe that a serious violation of Middlebury policy has been committed and/or the evidence may be found in a student's room. Searches of this nature will not be conducted without prior authorization of an appropriate senior Middlebury official. When possible, the student or students concerned and a witness shall be present when a room search is conducted. (See [Notification of Entry, below.](#))

- Students living in Middlebury-owned housing have the right to be free from unlawful room searches conducted by law enforcement officials. In most instances, a lawful search must be conducted pursuant to a warrant issued upon a showing of probable cause. Middlebury officials must arrange with law enforcement authorities to obtain a search warrant before searching a student's room for evidence which they intend to turn over for purposes of criminal prosecution. If a police officer sees a student commit what reasonably appears to be a criminal offense or violation of local ordinances, however, Middlebury will not interfere with the officer's legal pursuit of the student into a dormitory and into a student room. Similarly, a Department of Public Safety officer who sees a student commit what reasonably appears to be a crime or a violation of Middlebury regulations has the right to pursue the student into a dormitory and into a student room.

### Notification of Entry

Whenever a student's dormitory room is entered by a Middlebury official to meet an emergency, to make a repair, to carry out a community service, to conduct a routine inspection, or to conduct an authorized search, a note will be left indicating the time, date, reason, and name of the Middlebury person or office responsible, unless the occupant of the room is present at the time of entry.

### (d) Housing Regulations & Resources

#### Fire Safety Regulations

Any violation of fire safety regulations will result in a [fine](#). Students found responsible will have to pay the additional cost(s) of repair or replacement of damaged equipment or property. Students will be subject to disciplinary actions as well.

- Room entries, exits and hallways must be kept clear and free of potential obstructions.
- Nothing may be hung from a sprinkler apparatus or sprinkler piping.
- Only two walls of any room may be draped. Ceilings may not be covered with tapestries or other materials. Other wall hangings and posters may be prohibited if a fire or egress hazard is created.

- Nothing may be built or placed over or around a room radiator that will interfere with the free flow of air around the radiator or prevent easy access to service it.
- The following items are prohibited: halogen lamps, portable heaters, fuel, dangerous chemicals, fireworks, hazardous materials, new or burned candles, incense, oil lamps, oil/wax diffusers that sit on lightbulbs or other items with the capability of an open flame or burning embers.
- String lights are prohibited, with the exception of LED lights in good working condition (no frayed or bare wires, cracked sockets, loose connections or damaged insulation). LED lights are acceptable ONLY if they are labeled with Underwriters Laboratory (UL) approval. Tags with this information are required to be on each string of lights. LED string lights may not be placed over doorways, on ceilings or wrapped around any sprinkler piping, furniture or other cloth items such as curtains or wall hangings. LED lights may not be attached with nails or staples. LED lights must be plugged directly into an outlet or surge protector and may not be strung together. If it cannot be verified that the lights are LED, the College has the right to remove them.
- Smoking is prohibited in all campus buildings, including the small residential houses. This includes porches, balconies, decks, or within 25 feet of any part of the building structure. E-cigarette smoking is also prohibited in campus buildings.
- The use of portable fire pits is prohibited.
- Use of fire, or lighting a fire without an authorized fire permit, inside or outside of buildings, other than smoking in authorized outdoor spaces, is prohibited. The use of outdoor grills is limited to authorized locations at small houses and must be approved before use.
- Several College residence halls and lounges have working fireplaces which are inspected annually. Fireplaces deemed safe for use can be confirmed by emailing [facmanage@middlebury.edu](mailto:facmanage@middlebury.edu). Fires in fireplaces should never be unattended and there should always be a fire extinguisher present in the vicinity when there is any fire in the fireplace. The use of chemical fire starters is prohibited.
- Tampering with fire- or life-safety equipment is prohibited and subject to fines. These charges will be borne collectively by the residence hall if the responsible individual(s) cannot be identified. "Fire- and life-safety equipment" includes fire alarms, fire doors, pull stations, extinguishers, hydrants, smoke detectors, smoke detector batteries, carbon monoxide detectors, and sprinklers.
- Students must exit a building when a fire alarm sounds; fines may be assessed for failure to do so. Fire escapes may only be accessed during fire drills or a fire emergency.
- Appliances that have exposed heating elements, including but not limited to toasters, toaster ovens, hot plates, sandwich makers, electric frying pans or grills, electric woks, deep fryers, popcorn poppers (other than hot air poppers) and irons without automatic shutoffs may not be used in student rooms. Small cooking appliances without exposed heating elements, such as rice cookers, steamers, and crockpots may be used in residential kitchen spaces. These items must be attended while in use. Such appliances may not be used in student rooms. Please also see a list of allowable items on the Residential Life webpage.
- The use of fog and smoke machines in campus residential buildings is prohibited.
- Possession of flammable decorations including wreaths, sawn trees, corn stalks and shucks, tree branches, dry leaves, hay straw, paper streamers, saw dust or wood shaving is prohibited.
- Possession of large appliances such as refrigerators in excess of 3.8 cubic feet, freezers, washers, or dryers is prohibited.
- Construction of partitions, subdividing rooms, construction of additions, installation or modification or electrical wiring or plumbing, or altering means of egress is prohibited.

Fire Safety inspections will be organized and conducted on an on-going basis as deemed appropriate. Students will be reminded that inspections will occur at the beginning of each semester, and will be advised of the conditions following the inspections. Any material in violation of the fire safety regulations will be confiscated at the time of the inspection, and the student fined.

## Noise Policy

Middlebury seeks to promote the quiet, comfort, and health of the campus, the Town of Middlebury, and surrounding communities. Students are required to be considerate of others with respect to noise in the residence halls. Students should neither cause nor condone excessive amounts of noise, but should strive to be considerate

and respectful of others and to be good neighbors. Conduct that creates a public disturbance in a residence hall or interferes with another student's ability to study is prohibited.

Students must also abide by all applicable town noise ordinances, including but not limited to the [Town of Middlebury Ordinance for the Regulation of Noise](#). This ordinance prohibits excessive or unnecessary noise, including vocal disturbances and loud music, and includes fines for non-compliance. Procedures on Noise Complaints can be found [here](#). Students who violate Middlebury policy or local ordinances will be subject to Middlebury's [student conduct process](#).

## Storage Regulations

Students leaving Middlebury College at any time during the academic year are responsible for packing their belongings and arranging for storage or shipping. Storage during the regular academic year for undergraduate Middlebury students:

1. *Regular dormitory storage* (trunks, suitcases, boxed items).
  - i. Storage for some student belongings during the academic year is provided in some campus buildings. Interested students should consult with their resident assistant.
  - ii. At the end of the school year, Facilities Services staff will clean out these storage areas and will dispose of any items not removed by students.
2. *House Storage*  
Houses may only store house items, such as pool tables and composites, in their houses over the summer recess. Personal items may not be left in the social houses. The president of each social house is responsible for supervising the storage area.

## (5) Requesting Changes or Off-Campus Housing

### Changing Housing Assignment

Students are assigned housing by the College through the room draw process. If students are experiencing a roommate conflict, they are highly encouraged to speak with their Residential Life staff or CRA before approaching the Commons dean or submitting a room-change request.

### Procedure to Request Room Change

Mid-term room change requests may be submitted following the end of the second week of classes and will be considered in mid-October and mid-March. Requests submitted during J-Term, and after the fall and spring deadlines will be considered on a case-by-case basis. End of Term room change requests (fall and J-term) should be submitted to the residential systems coordinator by the assigned date.

If a student is offered a mid-semester room change, the student has 48 hours to accept or reject the offer. If students have a double as a single for whatever reason, they must find an eligible roommate, or the residential systems coordinator will assign someone to fill the space. Students will always be encouraged to resolve any conflicts before considering a room change.

As noted above, switching rooms and keys or changing residences without authorization is prohibited and subject to [fines](#).

### Procedure to Request Off Campus Housing

#### Off campus housing

A limited number of releases are available for senior students to live off campus with prior approval from Residential Life. Students with special medical needs that necessitate a housing accommodation should address their concerns to Residential Life and the Student Accessibility Services. Students who are married or have



dependent children living with them are exempted from the residency and board requirements upon providing documentation to Residential Life.

### **Procedure to Request Living Off-Campus**

Middlebury permits a limited number of seniors to live off campus. Permission is granted by a process coordinated by the Office of the Dean of Students. Students with the status of "special students" are required to live off campus. The number of off-campus residents is based on our commitment to the residential experience and an evaluation of the rental market in the town of Middlebury. Off-Campus status requires the approval of the Student Life Dean. Approval may not be granted if a student has been subject to official College discipline or academic failure. Students living off campus must provide their local address and phone number to Middlebury's residential systems coordinator within the first five days of the term or the Off-Campus Fee Reduction will be forfeited.

All Off-Campus forms must be turned in to the residential systems coordinator by the determined [deadlines](#). Any student wishing to move off campus after the Off-Campus application deadline must notify the residential systems coordinator to be placed on a waiting list. Off-campus permission is granted through a random draw each term for the subsequent term. Applications are submitted electronically; students may apply as individuals or in groups up to three members. Students who accept off-campus housing status are ineligible to participate in further fall term housing processes.

Permission must be granted for each term a student wants to live off campus and an Off-Campus Fee Reduction Form must be submitted by the posted deadline. A form submitted one term will not automatically transfer to the next term. Students living off campus for one term will be given priority to live off campus for the next term as long as there have been no disciplinary, academic or behavioral concerns raised during the previous term. Completing the form every term provides the Office of the Dean of Students with up-to-date residential information.

Students who accept off-campus housing status and then request to move back on campus will be placed on a waiting list and housed by the residential systems coordinator following the completion of the housing processes taking place at that time. There is no guarantee of housing for these students.

Students who choose to live off-campus without authorization - that is, students who are not granted off-campus status but move off-campus nonetheless - will be subject to Middlebury's [student conduct process](#).

Students who live off campus are expected to be good neighbors. Students who violate Middlebury policy or local ordinances will be subject to Middlebury's [student conduct process](#).

Living on campus is considered to be an essential component of the educational experience at Middlebury. Request for off-campus housing on the basis of a medical or ADA-certified need will be considered on a case-by-case basis and will require appropriate documentation.

### **(6) Termination of a House<sup>2</sup>**

The Vice President of Student Affairs/Dean of Students (VPSA) will recommend to the President termination of a house at Middlebury in the following circumstances:

a. for disciplinary reasons if there is an extraordinary violation by a house of Middlebury's rules and regulations for students in houses.

b. for disciplinary reasons if there are repeated violations by a house of Middlebury rules and regulations. The VPSA may issue appropriate sanctions to a house for violations of rules and regulations. Sanctions may include disciplinary probation, which will involve the loss of the right to hold parties and of other privileges to be specified by the Office of the Dean of Students. The Dean of Students and/or the VPSA will report to the President persistent violations of guidelines and regulations by a house on probation.

c. on the grounds of loss of student support and extraordinary expense to Middlebury if room occupancy of the house by members fails to meet the capacity requirements established by the Office of the Dean of Students and the IHC or dorm damages for the house exceed normal wear and tear.

d. The President may seek input from appropriate bodies, such as the Community Council. The President is not required to consult other offices or bodies, however, and reserves the right to take whatever action is necessary, including immediate, indefinite suspension of the house or termination of the house. Indefinite suspension shall mean suspension of the house as a social organization at Middlebury, including loss of the right of members to reside in the house.

## Approved Furniture

1. Ping pong, foosball and pool tables are allowed in designated areas of social houses and some senior houses only.
2. Tables are never allowed in rooms, suites, or lounges of residence halls. Tables found in unauthorized areas will be considered in violation of fire safety regulations and will be confiscated and disposed of by Middlebury officials, and fines will be assessed.
3. Lofts and water beds are not permitted in campus residences.
4. Appliances that have exposed heating elements, such as toasters, hot plates, electric frying pans or grills, and irons without automatic shutoffs may not be used in student rooms. The use of outdoor grills is limited to authorized locations at small houses and must be approved before use. The use of portable fire pits is prohibited. Only small, dorm-sized, Energy Star-rated refrigerators and microwaves are permitted.
5. Satellite dishes, air conditioners and large appliances are not permitted and may be removed by Facilities Services
6. Tapping or tampering with the cable television system is prohibited. Those who are responsible may be held liable in a civil action for three times the actual amount of damages sustained thereby in accordance with the Vermont law on tapping cable television. Students living in spaces where cable is permitted in the lounge areas are prohibited from tapping cable to individual rooms.
7. Students cannot panel, paint or alter walls, ceilings and floors. Students should inform ResLife staff in their Commons if a room needs paint. Students should check with their ResLife Staff before adding drapes and posters to their rooms.
8. Students found to have altered their rooms without proper approval will be fined. Students will be responsible for any charges associated with removal of unauthorized posters, tapestries, or any kind of installations on College buildings.

## B.2.g. Student Health Policies

[Health Forms](#)

[Commitment to Confidentiality](#)

[Vaccines](#)

[Emergency Preparedness: Required Evacuation Plan](#)

[Records Retention Policy](#)

**Center for Health and Wellness**

[The Center for Health and Wellness](#) supports the learning environment of Middlebury's vibrant and diverse academic community by providing readily accessible and confidential health care to students within an inclusive, collaborative, and integrated treatment framework. Our multi-disciplinary staff are here to work with students and make referrals to community resources as needed.

We strive to create a safe, affirming, and nonjudgmental environment that embraces human diversity, including differences in race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, and disability status. We are committed to respecting the uniqueness and complexity of student identities and life experiences.

## 1. Required Health Forms<sup>2</sup>

The following forms and documents are required and must be completed and/or uploaded to the [student health portal](#) prior to arrival on campus for all new undergraduate students:

1. Health History Form
2. Confidentiality and Consent to Treat Form
3. Emergency Contacts Form
4. Tuberculosis Screening
5. Images of the front and back of your insurance cards including primary, secondary, dental, and pharmacy if you have separate policies
6. A copy of your immunization record(s) provided to you by your health care provider(s)
7. [The Athlete Physical Exam Form](#) (required within 6 months of start of season for students participating in intercollegiate sports, club rugby or crew)

The following forms and documents are conditionally required and must be completed and/or uploaded to the [student health portal](#) prior to arrival on campus for all new undergraduate students for whom they apply:

1. Consent Form for Treatment of a Minor for students who will arrive on campus under the age of 18
2. Physician TB Form for students who are determined to be at risk for tuberculosis based on the Tuberculosis Screening form in the student health portal
3. Provisional Admittance Form for students who will not be in compliance with Vermont regulations for immunizations by their deadline matriculation

The following forms and documents are recommended to aid in the provision of comprehensive services and should be uploaded to the [student health portal](#) prior to arrival on campus for new undergraduate students:

1. Physical Examination Form

Forms and documents are due:

- June 15 for September matriculation
- November 15 for February matriculation

First-time student athletes are also required to meet conditions and complete forms listed in the [First-Time Athlete Athletic Clearance Procedures](#).

All required forms and instructions are available on the [student health portal](#) under "My Forms" or the [Center for Health and Wellness's Forms website](#).

## 2. Commitment to Confidentiality<sup>2</sup>

### a. Understanding Your Health Record/Information



Each time you visit the Center for Health and Wellness offices (Counseling, Health Services, Health and Wellness Education, Integrated Care and Sports Medicine), communicate with Center staff, or when staff have an interaction with a third party about you, the information is documented in a secured, password protected electronic health record that is accessible only to Center for Health and Wellness staff, you, and those you provide written permission to access. Typically, this record contains a summary of your presenting concerns and symptoms, physical exam and/or other intake information, test results, diagnoses, progress notes, treatment summaries, referrals to other resources, and plans for future courses of treatment if appropriate. This information makes up your health record or personal health information, and serves as a:

- Basis for planning your care and treatment;
- Means of communication with other health professionals who contribute to your care;
- Legal document describing the care you received;
- Source of information for public health officials charged with protecting the health of this state and the nation (only under very restricted circumstances);
- Tool with which we can assess and continually work to improve the care we render and the outcomes we achieve.

You are entitled to access your health records or request that we prepare a summary for you. Your records are accessible to you at all times through the student health portal and you may request printed records or summaries by emailing [chw@middlebury.edu](mailto:chw@middlebury.edu). To release your records to a third-party healthcare provider or designee of your choosing, you must complete an Authorization for the Release of Personal Health Information available on the [Center for Health and Wellness's Forms website](#) and bring it to a Center office in person, email it to [chw@middlebury.edu](mailto:chw@middlebury.edu), or upload it to your student health portal. Center for Health and Wellness staff are available to review your records with you at any time.

#### **i. Confidentiality**

Health records at the Center for Health and Wellness are confidential and are completely separate from all other College records. Students have the right to revoke or restrict authorization to share health care information, and Center for Health and Wellness staff will not release any information about you without your written or electronic permission, except under the following conditions:

- As authorized or required by law (i.e., when we are presented with a valid court order requiring us to release records);
- As necessary to protect you or others from a serious threat to health and safety, or to protect property from a serious threat of damage;
- As necessary to notify guardian and/or College officials when you have a serious mental or physical health problem and are unable to assume responsibility for notifying others;
- Under some circumstances when legal guardians may have the right to access the records of a minor.

In addition, Center for Health and Wellness staff confer with one another as needed to provide integrated care for you. We also work with the University of Vermont Health Network's Porter Medical Center (PMC) and the Counseling Service of Addison County (CSAC) to ensure continuity of care options for students including urgent and emergent situations.

Middlebury's Confidentiality and Consent to Treat Form includes consent for Center for Health and Wellness staff to share personal health information with these important community partners to ensure high-quality, informed care for students. When students receive treatment from multiple providers and/or in multiple locations, we exchange only such information as is needed to maintain continuity of care. Students may make requests to the Center for Health and Wellness, PMC or CSAC to revoke or restrict authorization to share such information at any time.

Middlebury College and the Center for Health and Wellness are not subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and therefore are not required to comply with the various federal

regulations relating to the use and disclosure of health information. Middlebury College and the Center for Health and Wellness are, however, subject to the Family Education Rights Protection Act of 1974 (FERPA) which classifies your health records as treatment records and confers similar protections related to privacy.

This policy should not be interpreted as creating any contractual rights and Middlebury College reserves the right to make changes to this policy at any time without prior notice.

## **ii. Confidentiality for the Treatment of Minors**

According to certain provisions of Vermont State law, legal guardians must provide permission for some forms of healthcare for individuals under the age of 18 (minors). These provisions also allow for certain exceptions. In these situations, a legal guardian's permission is not required:

- Minors of any age will be cared for in emergency situations that necessitate immediate treatment;
- Minors of any age may receive outpatient mental health counseling without consent of a guardian, but not prescription medications;
- Minors 12 years of age and older may obtain treatment for sexually transmitted diseases, substance dependence and abuse;
- If a minor requires hospitalization for treatment of sexually transmitted diseases, substance dependence, or abuse, the legal guardians must be notified of the hospitalization;
- Minors of any age may obtain treatment for the termination of a pregnancy, or receive medical treatment necessary to obtain contraceptive devices and medications;
- Minors of any age may obtain medical treatment related to rape, incest, or sexual abuse. Health care providers are required to report such incidents to the Department of Children and Families within 24 hours;
- Minors 14 years or older may voluntarily admit themselves to a hospital for mental health related treatment if they give informed consent in writing;
- Minors under 14 may admit themselves to a hospital for mental health related treatment by providing their own written informed consent and a written application from a parent or guardian;
- Minors who are married or have ever been married, minors on active U.S. military duty, and minors emancipated by court order may give informed consent to their own health care.

Center for Health and Wellness staff are available to provide an initial consultation with students who are under 18 years of age in order to review the need(s) for guardian consent for treatment(s) as stipulated by Vermont State law.

## **iii. Grievance Process**

If you have concerns, needs, or questions that were not (or could not be) addressed by staff members directly involved in your care, you may contact the Associate Vice President for Student Health and Well-being at 802-443-5361 or [bmccall@middlebury.edu](mailto:bmccall@middlebury.edu). You may also contact the Vice President of Student Affairs at 802-443-2465 or [sruzicka@middlebury.edu](mailto:sruzicka@middlebury.edu).

Most professions in the Center for Health and Wellness are also governed by laws and/or professional organizations that define a scope of practice, professional conduct and/or codes of ethics. Healthcare consumers who have inquiries can [obtain a form to register a complaint](#) with the State of Vermont and can also call 802-828-1505 or contact:

Secretary of State's Office  
89 Main Street, 3rd Floor  
Montpelier, VT 05620-3402

## **3. Vaccines**

### **a. Required Vaccines under Vermont Law**

[Vermont law](#) requires that all students submit an up-to-date immunization record, including proof of vaccination or positive titers (when applicable) for:

- Measles, Mumps, and Rubella
- Meningitis
- Hepatitis B
- Tetanus, Diphtheria, and Pertussis
- Varicella

### **b. Medical and Religious Exemptions**

If you have any religious or medical exemptions, please complete the [Vermont College Immunizations Exemptions Form](#) as applicable and upload to your [student health portal](#) as an Immunization Exemption.

Please be advised that unvaccinated students may be asked to miss class or leave campus in the event of a communicable disease outbreak.

### **c. Recommended Vaccines for Global Travel**

Some students, including those who travel abroad will benefit from:

- Hepatitis A vaccine series
- Typhoid vaccine

Other travel vaccines depend on destination and can be determined at a travel visit with Health Services.

Due to the length of time some vaccine series require, it is recommended that all students considering travel abroad also consider receiving the Hepatitis A vaccine series prior to matriculation.

## **4. Required Personal Departure Plan in the Case of Evacuation or Emergency**

Because of the potential need for a quick departure from campus related to a personal, family, or community emergency or in response to an outbreak of communicable illness, *all Middlebury College students are required to develop a personal departure plan for emergencies and/or situations that require evacuation, submit it to their program, and update it on an annual basis.*

Students should alert any family members, friends, or trusted acquaintances that are a part of their plan at the time of submission and annual review. Students may not be allowed to attend classes, register for classes, or otherwise fully participate in their program until they have provided a plan that meets the minimum required elements as stated within each program.

## **5. Records Retention Policy**

The Center for Health and Wellness, in order to establish guidelines for the maintenance, retention, preservation and disposal of medical records that are created or maintained by it, hereby adopts the following policy for preserving those records.

### **Policy**

The Center for Health and Wellness engages in the following actions in order to appropriately maintain, retain, preserve and purge treatment:

- retain treatment records for the period of time required by applicable law and regulation as indicated in these guidelines;
- purge of treatment records promptly, in the appropriate manner after they have satisfied their required retention period, unless they are the subject of a Litigation Hold;
- preserve treatment records subject to a Litigation Hold, if the records would otherwise be purged.

## Retention Guidelines

Treatment records are to be retained for the time periods indicated as follows. The medical records may be maintained in paper or electronic format, as appropriate and may be stored on-site or off-site, in accordance with the need to access the records. The creator or receiver of the medical records is responsible for retaining the record.

RECORDS	RETENTION PERIOD
Treatment records - Adults (over 18)	7 years from last date of treatment or graduation, whichever is the latter.
Treatment records – Minors (under 18)	The longer of 7 years from last date of treatment, graduation, or until the patient is 25, whichever is the latter

Former students who have graduated from Middlebury or otherwise departed from the community who would like to request a copy of their records should email [chw@middlebury.edu](mailto:chw@middlebury.edu) and include their name, date of birth, and Middlebury ID number.

Some records are not subject to any retention period and can be discarded when they do not have administrative value. Other documents are not considered “records” within the meaning of this policy and need to be maintained only as long they have administrative value. Documents that are not considered “records” include: duplicate copies of correspondence or other documents, blank forms, and transitory messages used for informal communication of information only, such as voice mails, and self-sticking notes. Documents that are not “records” may be discarded when they do not have administrative value.

## Purging Guidelines

Records should be purged promptly if they do not need to be retained in accordance with these guidelines. Records must be disposed of in a manner that safeguards confidential, sensitive or proprietary information contained in the records. Ordinarily, physical records will be securely shredded and disposed of while electronic records will be purged from the electronic health record.

## Litigation Hold Guidelines

The Associate Vice President for Student Health and Well-Being shall be notified immediately if an employee receives notification of any claim or complaint that could lead to litigation or governmental investigation. The Associate Vice President for Student Health and Well-Being will evaluate the information and communicate with the appropriate employees to assure that all evidence and records relating to the matter are preserved until the litigation or investigation is complete. No employee should discard any document subject to a Litigation Hold.

## B.2.h. Student Organization Policies

1. [General](#)
2. [Discrimination](#)
3. [Freedom of Association](#)

4. [Freedom of Inquiry and Expression](#)
5. [General Provisions for Recognized Student Organizations](#)
6. [Student Publications and Media](#)
7. [Policy on Student Social Organizations](#)
8. [Posting](#)
9. [Student Fundraising Policies](#)

## General<sup>2</sup>

1. All student organizations are subject to Middlebury policies, including but not limited to the [Non-Discrimination](#) and [Hazing](#) policies.
2. All recognized student organizations must register annually with the Office of Student Engagement (OSE) and have constitutions that have been approved by the Constitution Committee of the Student Government Association (SGA). The Constitution Committee may not approve a constitution with provisions that are in violation of federal, state, or local laws, or Middlebury policy.
3. All recognized student organizations must have an adviser who is a current, full-time Middlebury faculty or staff member or contract Middlebury employee. An adviser may inform an organization about its legal responsibilities and make appropriate suggestions about policy, but does not have authority to control policy or make personnel or financial decisions.
4. Student organizations are financed, in whole or in part, by the Student Activities Fee, which all students must pay in order to register for each term.
5. Approval of a constitution does not guarantee funding. The Finance Committee of the SGA administers funding of student organizations by allocating the Student Activities Fee. This fee is separate from the comprehensive fee and is not a part of Middlebury's general budget. However, as these funds are collected by Middlebury for the general student body, Middlebury maintains oversight of expenditures and allocations. Student activities funds may not be used for direct political action or for disbursement to any organization that is not an officially recognized Middlebury organization.
6. Recognized student organizations have the right to schedule the use of Middlebury facilities, use the Middlebury name and logo in reference to their group, and be eligible for programs and services through the Office of Student Engagement (OSE). A complete listing of student organization rights and responsibilities may be found in the OSE office.
7. The Assistant Vice President of Student Engagement or appropriate designee may suspend or revoke any organization's registration, affiliated members, advisors and/or coaches at any time, in its sole discretion, for any abuse or violation of the outlined rights and responsibilities, or any reasonable cause deemed to be in the best interest of the organization or Middlebury.
8. Middlebury assumes that individual students are responsible and accountable for their own behavior, and that groups of students and student organizations are responsible for their collective behavior. Failure to comply with Middlebury policy may result in disciplinary action against an individual or group. Serious violations of the policy may result in a suspension of the groups for up to one year; and repeated infractions may lead to additional penalties.

## Discrimination<sup>2</sup>

1. No student organization may discriminate in its membership, leadership, programs, or activities on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent

- protected by applicable law. (For further information, please see Middlebury's [Nondiscrimination Statement](#) and [Non-Discrimination Policy](#)).
2. Discrimination on the basis of any of the aforementioned qualities or characteristics is antithetical to Middlebury's mission and is unlawful.
  3. Middlebury recognizes the long-standing importance of religious belief and practice in American society, and the diversity of religious belief and practice within the Middlebury community. Students and student organizations may pursue their own religious beliefs, and the articulation of those beliefs, through religious practice and community life. When allegations arise that those beliefs and practices have resulted in actions that discriminate against an individual or group, the procedure outlined in paragraph 6 below should be followed.
  4. A student organization may require candidates for leadership positions or offices to fulfill certain prerequisites prior to election or selection, and may restrict leadership roles and voting to those members with demonstrated prior affiliation with the organization. Such procedures, including all prerequisites, restrictions, and nomination requirements, must be consistent with Middlebury policies, including Middlebury's [Nondiscrimination Statement](#) and the [Non-Discrimination Policy](#), and must be stated in detail in the organization's constitution.
  5. An organization may express in its constitution ideals or preferences regarding beliefs its leaders might hold. No student may be precluded from being on a ballot or participating in a selection process on the basis of any of the qualities or characteristics referred to in paragraph 1 above.
  6. Students alleging discrimination by an individual or a group on the basis of the aforementioned qualities or characteristics may submit a complaint in accordance with the procedures outlined in Middlebury's [Non-Discrimination Policy](#).

## Freedom of Association<sup>2</sup>

Students bring a variety of previously acquired interests to Middlebury, and they develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. In order to ensure the integrity of recognized student organizations as Middlebury student activities, the membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the Middlebury community.
2. Affiliation with an external organization does not automatically disqualify a student organization from institutional recognition, but College policy specifically prohibits student participation in or affiliation with single-gender fraternities or sororities.
3. Students are free to organize informally for any legal aim, subject to Middlebury's rules and regulations. If they seek official Middlebury recognition that makes them eligible for student activities funds and other student organization privileges as outlined in the Rights and Responsibilities, they must have a written constitution formally approved by the SGA Constitution Committee and be registered annually with the OSE.

## Freedom of Inquiry and Expression<sup>2</sup>

In addition to the policies below, please see [Demonstrations and Protests Policy](#).

1. Students and student organizations are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt Middlebury's or the community's regular and essential operation. At the same time, it should be made clear to the academic and larger community that students or student organizations speak only for themselves in their public expressions or demonstrations.
2. Officially recognized student organizations may invite to the campus and hear any person of their choosing. Middlebury reserves the right to ensure orderly scheduling of facilities, which prevents unnecessary conflict with other Middlebury events and provides adequate preparation for the event. It should be made clear to the academic and larger community that sponsorship of guest speakers does not



necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or Middlebury.

3. Student organizations bear full responsibility for arranging and financing any Department of Public Safety services that may be necessary in connection with controversial speakers. The OSE has the right to receive full and accurate information regarding Department of Public Safety measures at any time they so request. The OSE also has the right to specify security measures to the organizations as seem appropriate. If Middlebury, through the OSE or the president, judges that security arrangements are inadequate and that the sponsoring organization is either unwilling or unable to make proper arrangements, the event may be canceled by the AVP, DOS, VPSA or President.

## Student Publications and Media

Student media groups (publications, radio and newspaper) are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and College authorities and of formulating student opinion on various issues on the campus and in the world at large.

Student media groups are financed by the Student Activities Fee, which all students must pay in order to register for each term. There is no set limit to the number of publications or other media produced each year, and the SGA has final jurisdiction in this matter. Despite the financial dependence of student publications, Middlebury, the SGA, and the Community Council must provide sufficient editorial freedom and financial autonomy for the student media groups to maintain their integrity of purpose as vehicles of free inquiry and free expression in an academic community.

The editorial freedom of student editors and managers entails the corollary responsibility to abide by the canons of responsible journalism, including the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the use of harassment and innuendo, as defined by Middlebury's [Non-Discrimination Policy](#).

The constitutions of student media groups must provide clear statements of general policy and the nature of their responsibility to the student body at large.

As safeguards for the editorial freedom of student publications the following provisions are set forth:

1. The student press will be free of censorship and advance approval of copy, and its editors and managers are free to develop their own editorial policies and news coverage.
2. All student media groups financed and published by the College must include a clear statement on the editorial page that opinions expressed in the publication are not necessarily those of the College or the student body.
3. Advertisements in publications may not include references to alcohol, drugs, or drug paraphernalia, directly or indirectly.

The SGA Senate has the power to remove an incumbent editor or manager by a two-thirds vote, in accordance with the procedures outlined below, but the SGA must ensure that editors and managers of student media groups are not arbitrarily suspended or removed because of student, faculty, administrative, or public disapproval of editorial policy or content. Suspension or removal must be premised upon a finding of violation of the canons of responsible journalism or failure to appear at removal proceedings as described below.

1. A charge against an editor or manager may be filed only by a person aggrieved by the alleged offense. The charge must be stated in detail, and presented in writing to the president of the SGA within ten business days of publication or broadcast of the offending material. The president will present the charges to the SGA Senate. Should the aggrieved party be the president of the SGA, the Student Co-Chair of Community Council will bring charges to the SGA Senate. Should both parties be aggrieved, the Speaker of the Senate will bring the charges.

2. Upon receipt of the written charges, the SGA Senate will determine by majority vote whether to initiate removal proceedings against the editor or manager charged. Removal proceedings may commence no earlier than three business days after the vote to initiate the proceedings.
3. The editor or manager charged, the aggrieved party, and the student staff member who wrote or broadcast the offending material must be present at the removal hearing. The president of the SGA will give notice to all parties of the time and place of hearing. Witnesses may be called by either side to support or refute the charges, or to determine the extent to which the editor or manager charged is responsible for the alleged offense.
4. At the commencement of the hearing, the editor or manager charged and the aggrieved party will each be allowed no more than 15 minutes to make an oral presentation before the SGA. Written defenses or allegations may be distributed to SGA members by either side at any time after the initiation of removal proceedings. Each side will be allowed access to all materials so disseminated. After the oral presentations, questioning will be allowed. The president of the SGA presides over the hearing and is responsible for keeping order.
5. A vote to remove must be taken within fifteen business days of the vote to initiate removal proceedings. An editor or manager who has been removed by the required two-thirds vote may not serve for the remainder of the academic year as an editor or manager of the organization from which he or she was removed.
6. If an editor or manager is removed under these procedures, the organization that originally published or broadcast the offending statement must publicly retract it.

## General Provisions for Recognized Student Organizations

Middlebury, through the OSE and the president, retains the right and ultimate authority to protect itself from criminal or civil action that could be taken against Middlebury because of the conduct of a student organization. When Middlebury has a reasonable basis to believe that a forthcoming activity of an organization carries with it the possibility of legal action, Middlebury may cancel the activity or request the organization to make appropriate changes in its plans.

## Policy on Student Social Organizations

A student social organization is an organization, whether located on or off campus, comprised primarily or exclusively of Middlebury students, that has some of the purposes or attributes of a fraternity, sorority, or social house. This does not imply that Middlebury authorizes, sponsors, or extends recognition to any off-campus student organization. Because fraternities and sororities are traditionally defined as single-sex organizations, and thus exclude certain students based on their gender, they are not permitted at Middlebury. Ties with any national organization whose rules or practices are at odds with Middlebury's non-discrimination policies should not be maintained. Please see Middlebury's [Nondiscrimination Statement](#) for more information.

Middlebury assumes that individual students are responsible and accountable for their own behavior and that groups of students are responsible and accountable for their collective behavior. Failure to comply with this policy may result in disciplinary action against an individual or a group.

## Posting

Posters are permitted on designated bulletin boards or kiosks only. Flyers may not be posted on doors, walls, windows, buildings, lamp posts, trees, or stairwells. Flyers found in these locations will be removed by Middlebury staff. Fines and/or disciplinary action may result from violations.

## Student Fundraising Policies and Regulations

The OSE gives approval to students and student organizations to raise money for charitable projects or to raise funds on campus to defray costs of a limited number of special Middlebury-approved projects.



1. Students organizing fundraising activities must obtain permission for their activity from the OSE.
2. When a fundraising activity involves setup, table, or booth, permission for the setup must be obtained from OSE. If the requested site involves another department, then the director of that department must also provide permission for the activity to occur there (e.g., the director of athletics must also approve requests for activities at football games and other athletic events). The OSE and the supervisor of the site will decide whether or not one or more activities may occur simultaneously at the same location.
3. Profits accumulated through fundraising activities by any organization that received student activities fees may be used for any purpose subject to the following restrictions:
  - i. The purpose of the organization's fund-raising must be clearly advertised in advance.
  - ii. The organization may not initiate any activity, the profits of which will be used for any direct or indirect contributions to a political campaign.
  - iii. The fundraising must conform to the SGA Finance Committee guidelines.
  - iv. When revenue is generated by a student organization from an activity that was approved by the SGA Finance Committee and uses Student Activities Fee (SAF) money, all proceeds from the activity must be deposited to the organization's Middlebury account. Any SAF money spent on the activity must be spent according to Finance Committee Guidelines. Proceeds net of SAF funds may be spent at the organization's discretion within the policies of Middlebury and the organization's constitution. Exceptions to this rule may be considered by the SGA Finance Committee.

### *Off-campus*

1. Students are not allowed to solicit donations or gifts from local merchants.
2. Under certain circumstances the OSE will approve fundraising efforts that occur off campus.
3. Students wishing to conduct fundraising off-campus must familiarize themselves with and abide by all applicable Middlebury policies in addition to all local, state, and federal laws and regulations.

### *Solicitation*

1. Direct solicitation for fundraising via campus mail or e-mail is prohibited.
2. Middlebury directories may never be used for the purpose of solicitation.
3. Door-to-door solicitation in residence halls is prohibited. In addition, the solicitation of faculty and staff in their campus offices is prohibited. Door-to-door solicitation is also prohibited off campus.
4. Unattended coin and cash collection jars are not permitted.
5. Students and student groups may not solicit funds or sales from parents or alumni.

### *Raising Funds for Charity*

1. Students may be approved to raise funds for off-campus charities (e.g. the American Red Cross).
2. Organizations wishing to make donations to charitable organizations may use the proceeds from certain activities (see above). SAF funds cannot be used for donations.
3. Organizations may collect funds through cash, debit cards, credit cards, or checks made out to Middlebury College. Checks may also be made out directly to the charity.
4. Organizations may not raise funds for political campaigns.

### *Sale and Distribution of Food on Campus*

Recognized student organizations may distribute food in designated locations, as well as outdoor events, provided they have received prior approval from the OSE and the director of Dining Services.

## **2.3. Faculty Handbook**

These rules are applicable to members of the faculty of the undergraduate College. Nothing in this section shall override any applicable Middlebury-Wide policy.

## Please select from the following content:🔗

- [C.1. Faculty Rules and Procedures](#)
- [C.2. Faculty Councils and Committees](#)
- [C.3. Rules of Appointment and Tenure for Academic Faculty](#)
- [C.4. Rules of Reappointment for Physical Education Faculty](#)
- [C.5. Appeal Procedures](#)
- [C.6. Faculty Misconduct](#)
- [C.7. Research Leave Program](#)
- [C.8. Faculty Professional Development](#)
- [C.9. Dependent Care Program](#)
- [C.10. Research Policies](#)
- [C.11. Misconduct in Research - Policies and Procedures](#)
- [C.12. Reprints, Subvention, and Open Access](#)
- [C.13. Grants & Contracts](#)
- [C.14. Consulting and Outside Employment Policies](#)
- [C.15. Payment for Faculty Lectures Policy](#)
- [C.16. Extra Service Pay Policy](#)
- [C.17. Athletics Information for Faculty](#)
- [C.18. Special Provisions \(associate status and release from contract\)](#)
- [C.19. Administrative Appointments - Terms/Conditions](#)
- [C.20. Leaves of Absence \(nonacademic\)](#)
- [C.21. Disability](#)
- [C.22. Death Benefits](#)
- [C.23. Housing Programs](#)
- [C.24. Miscellaneous Policies](#)
- [C.25. Policy on Consensual Relationships Between Faculty and Staff Members and Students](#)

## C.1. Faculty Rules and Procedures

### 1. Article I Membership

#### a. *Section 1 Automatic Eligibility*

By reason of their rank or of their office, the following are automatically entitled to membership in and upon the faculty of Middlebury College and have the right to vote at all faculty meetings except as noted in c. Section 3. Voting Membership, below.

- i. Faculty serving in rank: professor, associate professor, assistant professor, and instructor.
- ii. Regular faculty serving on associate status.
- iii. Full-time faculty with special appointments.
- iv. Coaching faculty serving on special appointments with the rank of instructor in physical education, assistant in physical education, associate in physical education, and senior associate in physical education.

v. Full-time faculty on term appointments, including assistants and associates in instruction whose positions are potentially subject to review by the Reappointments Committee.

vi. Part-time faculty on special and term appointments.

vii. The president, the provost, the vice president for Academic Affairs and dean of the faculty (VPAA/DoF), the vice president for Academic Affairs and dean of the Schools, the vice president for student affairs and dean of the College, the dean for faculty development and research (DFDR), the dean of curriculum.

viii. The dean of the library and the dean of admissions.

### **b. *Section 2 Additional Eligibility***

Additions to the above general rule will be allowed by a majority of the entire voting faculty. Requests for such additions are to be submitted to the faculty by the VPAA/DoF.

### **c. *Section 3 Voting Membership***

Adjunct appointees are entitled to attend all meetings of the faculty, but they do not have the right to vote. On-leave faculty are eligible to vote in online balloting for the election of faculty committees, or on other online ballots that may be distributed.

## **2. Article II Organization of the Faculty**

### **a. *Section 1 Officers***

i. The faculty moderator, elected in accordance with the provisions in b. Section 2 below, will serve as the presiding officer at all plenary sessions of the faculty. If the moderator is unable to attend a plenary session of the faculty, the Faculty Council will decide on an appropriate replacement for that meeting, after consulting with the moderator if at all possible.

ii. The parliamentarian, to be appointed each year by the Faculty Council, will serve at all plenary sessions as adviser to the faculty moderator on questions of order and procedure.

iii. The recording secretary, to be appointed each year by the Faculty Council, will compile proper minutes and other necessary records of the faculty proceedings and will see to the proper custody of such records.

### **b. *Section 2 Moderator***

i. The faculty will elect a moderator to serve as the presiding officer at the plenary sessions of the faculty. The duties of the moderator will be:

(a) To coordinate the overall agenda for each plenary session of the faculty in collaboration with the Faculty Council and the VPAA/DoF;

(b) To consult with faculty committees, individual members of the faculty, and members of the administration who wish to make reports or presentations at plenary sessions of the faculty;

(c) To receive suggestions from faculty concerning the agenda for plenary sessions of the faculty;

(d) To ascertain the presence of a quorum of voting members for a plenary session of the faculty;

(e) To introduce each item of the agenda at plenary sessions of the faculty;

(f) To ensure that each item on the agenda is discussed fully, by calling on speakers to present their views;

(g) To determine the results of voice votes, and to assist in counting votes taken by show of hands or by written ballot;

(h) To ensure that the business of plenary sessions of the faculty is conducted in a timely fashion.

ii. In all these duties, the moderator should maintain good order, behave impartially, and avoid presenting personal opinions on the merits of specific items on the agenda.

iii. The moderator may vote in plenary sessions of the faculty.

iv. The moderator will be elected for a two-year term.

(a) No faculty member serving in the administration, or as a member of an elected faculty committee will be eligible to serve as moderator. All other voting members of the faculty are eligible to serve as moderator. The moderator may be elected to a committee, or appointed to a position in the administration, so long as such service begins after the end of the final academic year in which the faculty member is serving as moderator.

(b) Elections for the faculty moderator will be held after those for the elected faculty committees. Nominations for the position of moderator will be accepted by Faculty Council until the end of April. Faculty members may nominate themselves, or may submit the name of another voting member of the faculty. Nominees will be contacted by Faculty Council, and must give their consent to be listed on the ballot.

(c) The election for moderator will be conducted by the VPAA/DoF using online balloting. The first ballot will include the names of all those who have consented to have their names put before the faculty as nominees. Faculty members will vote for one name from this ballot. If a candidate receives more than fifty percent of the votes cast on this ballot, that person will be elected as moderator. If no candidate receives more than fifty percent of the votes cast on the first ballot, a second ballot will be held listing the names of the two candidates who received the highest number of votes. Faculty members will vote for one name from this ballot. The candidate with the largest number of votes will be elected as moderator. In the case of tied votes for first or second place on the initial ballot, all of the names of the tied candidates will appear on the second ballot. If no candidate obtains more than fifty percent of the votes cast, a third ballot will be held listing the names of the two candidates who obtained the highest number of votes on the second ballot. Faculty members will vote for one on this ballot. The candidate with the largest number of votes will be elected as moderator.

### ***c. Section 3 Divisions, Departments and Programs***

The several divisions, departments and programs of instruction comprising the administrative organization for the instructional work of the College will serve also as component parts of the faculty, where appropriate.

### ***d. Section 4 Committees***

#### ***i. Major Councils and Committees***

(a) The Council on Reviews (COR) consists of a Promotions Committee and a Reappointments Committee. The Promotions Committee will advise the president on each case in which a faculty member is under review for promotion to tenure or to full professor, or is facing dismissal. The Reappointments Committee will advise the provost on each case in which a faculty member is under review for reappointment. The Reappointments Committee will also conduct ten-year reviews. The COR shall hold an annual open meeting to explain review procedures and respond to questions and concerns from the faculty.

(b) The Faculty Council is the executive committee of the faculty. It coordinates faculty business, represents the College faculty when working with the administration and/or Board of Trustees on all matters related to the College faculty, and, on its own or in conjunction with other faculty committees, acts on matters of collective interest to the College, the Schools, and the Institute, and acts as the Committee on Committees.

(c) The Educational Affairs Committee will make recommendations to the faculty on matters of academic policy, and will make recommendations to the provost or provost's designate on matters of staffing the academic program.

(d) The Committee on Diversity, Equity and Inclusion is the primary faculty governance body charged with oversight of institutional and social diversity in a broad sense, serving to advocate, advise and network to improve diversity across campus.

(e) The Strategy Committee represents the College faculty in long-term strategic planning with the administration and the board of trustees.

(f) The Resources Committee represents the College faculty in shared-governance discussions with the administration and the board of trustees regarding Middlebury's financial stability, especially as it relates to the College.

(g) The Appeals Council will hear the cases of faculty members who believe their non-reappointment to involve procedural errors or violations of academic freedom.

## ii. *Standing Committees*

There will be standing committees of the faculty as provided below in 4. Article IV. There will be such other standing committees as may be found convenient by the faculty for the discharge of its business.

## 3. Article III Plenary Sessions of the Faculty

### a. *Section 1 Time and Scheduling of Plenary Sessions*

i. Plenary sessions of the faculty will be scheduled in September, November, January, March and May. The specific schedule for any given academic year will be determined by the Faculty Council, in consultation with the Vice President for Academic Affairs and the Dean of the Faculty, in accordance with the following guidelines:

The September meeting will be held during the week before the start of classes, at a time and place established in conjunction with other activities of that week.

The November, January, and March meetings will normally be held on the first Friday of the month. These meetings will normally be scheduled to begin at 3:00 p.m. The Faculty Council may choose to reschedule these meetings in order to avoid having them fall in the first week of classes in a term or on a Friday immediately before a vacation.

The May meeting will be scheduled on the Monday or Tuesday following the end of spring semester classes. This meeting will normally be scheduled to begin at 3:00 p.m.

ii. Special plenary sessions of the faculty may be called as follows:

(a) At the request of the Faculty Council;

(b) At the request of another standing committee of the faculty that is sponsoring a motion requiring a vote;

(c) At the request of the president;

(d) In response to a petition signed by at least twenty voting members of the faculty and presented to the moderator through the VPAA/DoF.

A special plenary session will be held in lieu of the next regularly scheduled small group meetings of the faculty, or at another time if necessary.

**b. Section 2 Attendance and Quorum**

- i. Voting members of the faculty are expected to be present at all plenary sessions and small group meetings.
- ii. Voting members, and others invited by the Faculty Council or the faculty moderator, will be privileged to participate in discussion in plenary sessions of the faculty. At any plenary session, the Faculty Council may introduce a motion that other persons be allowed to participate in discussion, for either the entire meeting or for a particular item on the agenda.
- iii. A quorum in plenary sessions of the faculty will consist of one-third of the voting members of the faculty who are not on leave. The secretary will inform the moderator of the presence of a quorum.
- iv. The president and vice president of the Student Government Association, and the student members of the Community Council and Student Educational Affairs Committee, will be permitted to attend all plenary sessions of the faculty with the right to speak. Student members of other College committees will be permitted to attend those plenary sessions in which their committees' recommendations are on the agenda with the right to speak when those recommendations are being debated. Two representatives each from the *Middlebury Campus* and WRMC will be permitted to attend plenary sessions of the faculty.

**c. Section 3 Notice and Agenda**

- i. Notice and a statement of the agenda of each plenary session of the faculty will be sent to all members prior to the meeting.
- ii. Items to be placed on the agenda must be submitted in writing to the secretary at least one week prior to the meeting, and these items, including written reports and proposals, will be circulated to the faculty by the secretary in advance of the meeting.
- iii. Matters not included among those on the agenda may be brought before the meeting when in order, but, in the case of important matters, as determined by the moderator, will be presented only for discussion.
- iv. The following rules will govern the consideration of major policy matters, defined as (1) Faculty Council proposals to change the rules of reappointment and tenure, (2) Faculty Council proposals to change Handbook language regarding other terms of appointment for faculty members, (3) Educational Affairs Committee proposals to change Handbook language regarding requirements for the degree, or (4) Educational Affairs Committee proposals to create or abolish departments, program, stand-alone minors, and majors;
  - (a) Major policy matters must be referred to small group meetings of the faculty for discussion before being taken up for a vote at a plenary session of the faculty. Draft versions of those policies must be circulated to the faculty for discussion in small group meetings according to the following timeline. Final versions of those policies, reflecting the input from small groups, must be included in the agenda packet for the plenary session at which the vote will take place.
  - (b) Drafts of motions to be voted on at the November plenary session must be presented to the recording secretary for circulation to the faculty no later than the first Friday of October.
  - (c) Drafts of motions to be voted on at the January plenary session must be presented to the recording secretary for circulation to the faculty no later than the first Friday of December.
  - (d) Drafts of motions to be voted on at the March plenary session must be presented to the recording secretary for circulation to the faculty no later than the first Friday of February, or the second Friday of February if the first Friday is during the break between winter and spring terms.
  - (e) Drafts of motions to be voted on at the May plenary session must be presented to the recording secretary for circulation to the faculty no later than the first Friday of April, or the second Friday of April if the first Friday is during spring break.

**d. *Section 4 Order of Business***

In plenary sessions of the faculty the normal order of business will be:

- i. Call to Order
- ii. Quorum Call
- iii. Minutes of Previous Plenary Session of the Faculty
- iv. Reading and Ratification of Minutes of Administration Committee and Off-Campus Study (Programs Abroad) Committee.
- v. Unfinished Business
- vi. Action Reports of Committees
- vii. New Business
- viii. Information Reports of Committees and Officers
- ix. President's Announcements
- x. Adjournment

**e. *Section 5 Rules of Order and Suspension of Rules***

- i. The rules of parliamentary procedure as found in Robert's Rules of Order will govern the plenary sessions of the faculty in all cases to which they are applicable and in which they are not inconsistent with the regulations of Middlebury College.
- ii. Rules and procedures governing the conduct of plenary sessions of the faculty may be suspended by two-thirds of those voting.
- iii. The faculty at any point in its proceedings may, by majority vote, declare itself in executive session, thereby limiting the meeting to voting members only. All discussions and actions taken in executive session will be held in confidence until released by proper authority.

**f. *Section 6 Voting***

- i. In faculty actions, decisions will be taken by a majority of those voting unless otherwise specified.
- ii. Voting at plenary sessions of the faculty may be by voice, by show of hands, or by written ballot. A written ballot may be used at the discretion of the moderator and will be used when requested by ten members.
- iii. On matters affecting general educational policy, a vote of the faculty may require that balloting be conducted electronically through the Office of the Vice President for Academic Affairs and Dean of the Faculty.
- iv. Questions involving votes upon faculty members by name will be decided by written ballot.
- v. If the discussion of any motion extends beyond 4:30 p.m. at any given plenary session of the faculty, voting on that motion will be automatically suspended until the following session.

**g. *Section 7 Committee Reports***

- i. The Faculty Council and the Educational Affairs Committee will report at each plenary session of the faculty. The Faculty Council's report will include a summary of the discussion of small group meetings of the faculty

held in the previous month.

- ii. The Strategy Committee will report at plenary sessions as appropriate, but at least twice each year.
- iii. The Resources Committee will report at plenary sessions as appropriate, but at least twice each year.
- iv. All other committees will report, when appropriate, at least once a year.

#### **4. Article IV Small Group Meetings of the Faculty**

##### **a. Section 1 Time and Scheduling of Meetings**

i. Small group meetings of the faculty will normally be scheduled in October, December, February, and April. The specific schedule for any given academic year will be determined by the Faculty Council, in consultation with the VPAA/DoF, in accordance with the following guidelines:

The October, February, and April meetings will normally be held on the first Friday of the month. These meetings will normally be scheduled to begin at 3:00 p.m. The Faculty Council may choose to reschedule these meetings in order to avoid having them fall in the first week of classes in a term or on a Friday immediately before a vacation.

The December meetings will be held on the Monday following the end of fall semester classes. These meetings will normally be scheduled to begin at 3:00 p.m.

- ii. Special small group meetings of the faculty may be called at the request of the Faculty Council.

##### **b. Section 2 Purpose of Small Group Meetings**

The agenda for the small group meetings will be determined by the Faculty Council, the moderator, and the VPAA/DoF.

Topics to be considered at small group meetings of the faculty may include, but are not limited to the following:

- i. Motions before the faculty, as introduced by committees or by individual members of the faculty;
- ii. Matters under discussion within a committee in preparation for bringing a motion;
- iii. Members of Faculty Council will normally moderate the small group discussions. Members of other committees or groups may assist in or lead discussions, as appropriate. The chair of Faculty Council will solicit reports from the moderators of the small groups and provide summaries of the small group discussions at the next regularly scheduled plenary session of the faculty.
- iv. The purpose of the small group meetings is to allow for full and open discussion among all faculty members. Since votes will not be taken at small group meetings, they will not be governed by Handbook language pertaining to faculty voting procedures, or by Robert's Rules of Order.

#### **5. Article V Committees**

##### **a. Section 1 General**

- i. The standing committees of the faculty, their respective objectives, duties, and functions, composition and method of election or appointment, will be as described in the Faculty Councils and Committees section in this chapter of the Handbook.
- ii. The president of the College will be a member ex officio of all councils and committees.



iii. When, in the judgment of the president, or upon vote by the faculty, it is necessary to constitute a special committee to discharge a particular task that does not fall within the domain of any existing committee, such a committee may be established. The measure establishing such a committee will specify its instructions, its composition and method of appointment or election, and other necessary information.

iv. Matters brought to the attention of the faculty with a view to action thereon that fall within the sphere of any standing or special councils or committees will be referred to the appropriate councils or committees for consideration and for report or recommendation to the faculty, before being voted upon at any faculty meeting.

v. All councils and committees of the faculty will maintain such records of their proceedings as may be deemed necessary and will render report upon their deliberations and actions to the faculty.

vi. Unless otherwise specified in the provisions contained in the Handbook, the term of office of a member of any standing council or committee will commence on September 1.

vii. Should a vacancy occur on an elective standing council or committee before expiration of the normal term, the vacancy will be filled for the remaining period of that term by an election to be held within one month of the occurrence of the vacancy, or in September for vacancies occurring after May 15, in the manner prescribed for that committee. Vacancies occurring on appointive councils or committees will be filled by the Committee on Committees. Vacancies which occur on the Council on Reviews or the Educational Affairs Committee will be filled by means of the same procedures as are used to determine the original membership of those committees. Vacancies occurring because of leaves or termination of employment should, when possible, be filled at an appropriate time in the academic year preceding leave or termination of employment.

viii. All councils and committees with the exception of the Council on Reviews, the Educational Affairs Committee, the Faculty Council, the Committee on Diversity, Equity, and Inclusion, the Strategy Committee, the Resources Committee, and the Appeals Council, may have student members. Student members will be chosen as determined by the Community Council. The number of students, if any, for each committee, and the condition of membership, whether voting or non-voting, will be set by the faculty. No later than the March plenary session of the faculty, the Faculty Council, in its role as the Committee on Committees, will make recommendations regarding changes in composition and function of any committee for the following academic year.

## **6. Article VI Amendments**

### **a. Section 1**

Proposed amendments to these Rules and Procedures, with the exception of changes in the scheduling of meetings that are described herein, will be initiated at a regular plenary session of the faculty.

### **b. Section 2**

Any such proposed amendment, if supported by at least twenty voting members, will then be referred to small group meetings for discussion prior to the next plenary session of the faculty.

### **c. Section 3**

Notice of such proposed amendment will be included in the notice of the next plenary session of the faculty, and may there be adopted by a vote comprising at least a two-thirds majority of those present, provided at least a quorum is in attendance.

## **C.2. Faculty Councils and Committees**

There are eight general councils and committees of the faculty:

- (1) The Council on Reviews (COR) consisting of the [Promotions Committee](#) and the [Reappointments Committee](#)
- (2) The [Faculty Council](#)
- (3) The [Educational Affairs Committee](#) (EAC)
- (4) The [Committee on Diversity, Equity, and Inclusion](#) (CDEI)
- (5) The [Strategy Committee](#)
- (6) The [Resources Committee](#)
- (7) The [Appeals Council](#)
- (8) The [Physical Education and Athletics Committee on Reappointment](#)

These bodies advise the administration and faculty on policy and act for the faculty in specified areas.

Any council may establish standing or ad hoc committees, in addition to those designated below, which may include persons who are not members of the parent body. All such committees will report to the faculty through the parent group. Any positions on such committees are filled through appointment by the Committee on Committees. The president is a member, ex officio, of all councils and committees.

No member of the faculty may serve simultaneously on more than one of the following committees: the Council on Reviews, the Faculty Council, the Educational Affairs Committee, the Committee on Diversity, Equity, and Inclusion, the Strategy Committee, the Resources Committee, and the Appeals Council. Faculty members who will be on leave during the year in which a term is scheduled to begin are ineligible for election. A faculty member elected or appointed to a two- or three-year term on any of these committees who is on leave before the expiration of the term will serve the remaining year(s) of the term after returning from leave. A faculty member serving on any of these committees will normally not be eligible for election or appointment to any other committees.

Faculty members serving on the Council on Reviews, Faculty Council, Educational Affairs Committee, Committee on Diversity, Equity, and Inclusion, Strategy Committee, or Resources Committee will earn one year of exemption, immediately following, from elected or appointed service on these committees for each year served. Time spent on leave does not count towards this exemption period. The exemption period will be automatically applied unless the faculty member requests to remain eligible for such service in the year(s) following their committee service. Members of the faculty will not be obligated to serve for more than a total of twelve (12) years on any combination of these committees or former versions of them, including the Committee on Reappointment, Teaching Resources Committee, and the Educational Council.

Deans and other senior administrators will only serve on committees as designated in their administrative capacity, not as an elected or appointed faculty member. If a faculty member who has been elected or appointed to one of these councils or committees is subsequently appointed as a Dean or other senior administrator, then a special election or appointment will be made to fill the vacancy.

Faculty who are scheduled to serve as department chair, program director, or similar administrative role in the coming academic year can request to not appear on committee ballots. If a faculty member is appointed as a chair or program director while still serving on an elected committee, they may request to step down from the committee, leading to a replacement being elected. This does not count as committee amnesty, as chairs and directors are still eligible to serve on non-elected committees.

Any faculty member may request to be exempted from the ballots for elected committees and from selection for standing appointed committees, on an annual basis, for a period of time not to exceed four years in a career. Normally no more than two of these four years may be consecutive.

To be exempt from committee service during the following year, faculty members must normally notify the Office of the Vice President for Academic Affairs and Dean of the Faculty (VPAA/DoF) by November 1.

If more than 12 percent of the full-time faculty request exemptions for a given year, then the requests will be honored on the basis of seniority, as determined by date of first appointment to the faculty.

Elections for all elected faculty councils and committees will take place online. Balloting for all committees will be conducted online and coordinated by the VPAA/DoF. The VPAA/DoF will determine those members of the faculty, including faculty on leave, who are eligible to vote in the elections.

The online polls for each election will remain open for a minimum of two working days, defined as days on which classes are scheduled, weekdays during the period between Winter Term and the spring semester, or weekdays during the examination period.

The order of committee elections is as follows: Promotions Committee, Reappointments Committee, Faculty Council, Educational Affairs Committee, Committee on Diversity, Equity and Inclusion, Strategy Committee, Resources Committee, and Appeals Council. The schedule for elections in each academic year shall be determined by the VPAA/DoF in consultation with the Faculty Council. When there are open seats in need of appointment on a committee, the Faculty Council, in its role as Committee on Committees, will appoint new members immediately after the conclusion of balloting for that committee.

## **1.A. The Promotions Committee of the Council on Reviews**

### **a. *Function***

The Promotions Committee advises the president on each case in which a faculty member is under review for promotion to tenure or to full professor, or is facing dismissal.

The vice president for Academic Affairs and dean of the faculty (VPAA/DoF) sits with the Promotions Committee. It is expected that during the course of a review for tenure, the president and provost will become familiar with the scholarship and teaching record of the candidate. All decisions and recommendations by both the committee, the president and the provost will be made and justified in accordance with the provisions and procedures specified in the Rules of Appointment and Tenure in the Faculty section of this handbook.

The committee as part of the Council on Reviews will hold an annual open meeting to explain its procedures and to respond to questions and concerns from the faculty.

### **b. *Election***

- i. The committee will consist of three tenured full professors from the full-time teaching faculty elected by the faculty. No more than two members of the committee may be from one division and no more than one from a department. Each year a member of the faculty will be elected to a three-year term.
- ii. No faculty member may serve concurrently as a dean or other administrative officer and as a member of the Promotions Committee.
- iii. Promotions Committee members will be given reduced teaching loads, as determined by the VPAA/DoF.
- iv. The preliminary ballot will list all tenured full professors, with the exception of current members of the Council on Reviews, Faculty Council, Educational Affairs Committee, Committee on Diversity, Equity, and Inclusion, Strategy Committee, Resources Committee, and Appeals Council, those who will be on leave during the following year, and those made ineligible or whose obligation is waived because of stipulations set forth above. On the preliminary ballot, faculty members may vote for up to five candidates.

Following the preliminary ballot, a second ballot will be distributed, listing the five candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates on this ballot. After the second round of voting, a final ballot will be distributed, listing the two candidates who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate on this ballot. The candidate with the greatest number of votes will be declared elected.

For any second or third vacancy on the Promotions Committee, the election procedure as described above will be repeated, revising the preliminary ballot to account for the mandated balance adjustments following earlier elections. The second ballot in each case will list the names of five candidates who remain eligible for election to the Promotions Committee. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancies by subsequent rounds of election.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The names of the two candidates who received the greatest number of votes on the runoff ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The name of the candidate who received the greatest number of votes on the runoff ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

## **1.B. The Reappointments Committee of the Council on Reviews<sup>2</sup>**

### **a. *Function***

The Reappointments Committee advises the provost in all reappointment decisions. This committee also conducts ten-year reviews. The VPAA/DoF sits with the Reappointments Committee. All decisions and recommendations by both the committee and the provost shall be made and justified in accordance with the provisions and procedures specified in the Rules of Appointment and Tenure in the Faculty Handbook chapter of this handbook.

The committee as part of the Council on Reviews will hold an annual open meeting to explain its procedures and to respond to questions and concerns from the faculty.

### **b. *Election***

- i. The committee will consist of three tenured full professors from the full-time teaching faculty elected by the faculty. No more than two members of the committee may be from one division and no more than one from a department. Each year a member of the faculty will be elected to a three-year term.
- ii. No faculty member may serve concurrently as a dean or other administrative officer and as a member of the Reappointments Committee.
- iii. Reappointments Committee members will be given reduced teaching loads, as determined by the VPAA/DoF.
- iv. The preliminary ballot will list all tenured full professors, with the exception of current members of the Council on Reviews, Faculty Council, Educational Affairs Committee, Committee on Diversity, Equity, and Inclusion, Strategy Committee, Resources Committee, Appeals Council, those who will be on leave during the following year, and those made ineligible or whose obligation is waived because of stipulations set forth above. On the preliminary ballot, faculty members may vote for up to five candidates.

Following the preliminary ballot, a second ballot will be distributed, listing the five candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates on this

ballot. After the second round of voting, a final ballot will be distributed, listing the two candidates who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate on this ballot. The candidate with the greatest number of votes will be declared elected.

For any second or third vacancy on the Reappointments Committee, the election procedure as described above will be repeated, revising the preliminary ballot to account for the mandated balance adjustments following earlier elections. The second ballot in each case will list the names of five candidates who remain eligible for election to the Reappointments Committee. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancies by subsequent rounds of election.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The names of the two candidates who received the greatest number of votes on the runoff ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The name of the candidate who received the greatest number of votes on the runoff ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

## 2. The Faculty Council

### a. *Function*

Faculty Council is the executive committee of the faculty. In this capacity it (1) coordinates faculty business; (2) represents the College faculty when working with the administration and/or Board of Trustees on all matters related to the College faculty; (3) acts as the Committee on Committees; and (4) in conjunction with other elected faculty committees, works with the administration and/or Board of Trustees on matters of shared interest related to the College, the Schools, and the Institute. In fulfilling these roles, Faculty Council will:

- i. Set the agenda for faculty meetings (plenary, by divisions, or in small groups), in consultation with the faculty moderator and the vice president for Academic Affairs and dean of the faculty (VPAA/DoF);
- ii. Act on matters that members of the faculty, administration, or Board of Trustees submit to it and/or to the faculty moderator. Actions may include but are not limited to: (1) providing information on, or interpretations of, matters submitted to it; (2) referring questions to other committees for further consideration or action; (3) convening meetings with other elected or appointed committees; (4) referring matters to the full faculty (with a recommendation for further action and the text of motions, when a vote is in order); (5) issuing its own decision on matters submitted to it when allowable according to the rules of the faculty;
- iii. Meet with the VPAA/DoF and the faculty moderator once a month to discuss plenary session agendas, and meet separately with the president or the VPAA/DoF at least once a month to work on business before the faculty or under consideration by the faculty or administration. It may, through its chair, request additional meetings with the president, the VPAA/DoF, or other administrators to address matters under consideration;
- iv. As representatives of the College faculty, advise the president, provost, and VPAA/DoF on all administrative appointments (including faculty appointments to ad hoc committees established by the administration), and, in a timely manner, on plans for administrative restructuring, especially as they concern the academic interests of the College. When necessary, discussions regarding appointments and restructuring may be confidential. The faculty's expectation, however, is that discussion of these matters will be full and frank and that the president will respond to issues raised by the Council with due attention;
- v. Act, as Conference Committee (either as a whole or through at least three of its members) with the College Board of Overseers twice a year to discuss matters of mutual concern;

- vi. Act as the Conference Committee (either as a whole or through at least three of its members) with representatives of the Board of Trustees as necessary to discuss matters of collective interest to the College, the Schools, and the Institute, and to assess the process of shared governance;
- vii. Serve as the president's, provost's and Board chair's first point of contact with the College faculty on matters requiring a timely response. Faculty Council may refer questions to other committees, as it deems appropriate. At the request of the president, provost, chair of the Board, VPAA/DoF, or the chair of Faculty Council, discussions of matters raised in these meetings may be held in confidence, with the expectation that in due course they will receive full and open discussion as any resultant decision-making process unfolds;
- viii. Keep permanent records of all Council proceedings. It will, upon the request of any member, take a Council vote on matters before it;
- ix. Report to the faculty at its earliest plenary session subsequent to Council meetings;
- x. Meet with Staff Council and elected faculty committees (either separately or in some combination) at least once a year regarding important matters before the Councils or committees and maintain open lines of communication with all committees; and
- xi. Act, in consultation with the VPAA/DoF, as a Committee on Committees. In this capacity, Faculty Council will appoint faculty members to, and provide oversight for, all standing committees. The Council may also appoint ad hoc committees to consider and make recommendations regarding matters outside the scope of existing standing committees or to supplement the work of standing committees when necessary. It may recommend to the faculty the reconstruction or abolition of committees. In this function, the Council's actions are subject to ratification by the faculty.

#### ***b. Composition***

- i. The council will consist of four tenured faculty members, two pre-tenure (i.e., nontenured regular appointment) faculty members, and one special appointment faculty member. Tenured and pre-tenure faculty must have completed two years of full-time faculty status at Middlebury before his or her elected term begins. Special appointment faculty members are eligible for election if and only if they have contracts extending for at least one year beyond the date of election, and have been a faculty member at the College for at least seven years. Full-time members of the department of physical education are eligible for election to Faculty Council in the pre-tenure category after two years of full-time service. Faculty members currently under tenure review are not eligible for election. A member of the Faculty Council may not simultaneously serve on the Council on Reviews, the Educational Affairs Committee, the Committee on Diversity, Equity, and Inclusion, the Strategy Committee, the Resources Committee, or the Appeals Council. No more than two members of the Faculty Council may be from one division, and no more than one member may be from one department.
- ii. The members of the Faculty Council will elect one of its tenured members to serve as chair. The chair will run meetings, set Council meeting agendas (in consultation with the faculty moderator, the president, or the VPAA/DoF as appropriate), write reports for the Council, report to the faculty at plenary sessions, and coordinate work with the chairs of other committees.
- iii. Term of Election: Normally, members of the faculty will serve for three-year terms. A pre-tenure Faculty Council member who receives tenure during his or her term will complete the term as a tenured member, and the resulting vacancy in the pre-tenure ranks will be filled by election, as specified below. Changes in the faculty status of special appointment members (e.g., to pre-tenure or tenured status) will be treated in parallel fashion. If changes in faculty status are such that the Faculty Council is no longer composed of four tenured members, two pre-tenure members, and one special appointment member, then the VPAA/DoF, in consultation with the Faculty Council, will decide which of its members will be excused from Faculty Council prior to the conclusion of his or her term.

#### ***c. Election***

For elections for Faculty Council, a preliminary ballot will include separate lists of all eligible members of the faculty in those membership categories (tenured, pre-tenure, and special appointment) for which positions are to be filled, except for members of Council on Reviews, Educational Affairs Committee, Committee on Diversity, Equity, and Inclusion, Strategy Committee, Resources Committee, Appeals Council, those who will be on leave during the following year, and those made ineligible or whose obligation is waived because of stipulations set forth above. On the preliminary ballot, faculty members may vote for up to five tenured candidates, up to five pre-tenure candidates, and up to five special appointment candidates. Following the preliminary ballot, a second ballot will be distributed, listing separately the names of the five tenured candidates, the five pre-tenure candidates, and the five special appointment candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates in each category. After the second round of voting, a final ballot will be distributed, separately listing the two candidates in each category who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate in each category. The candidate with the greatest number of votes will be declared elected.

For any second, third or fourth tenured vacancy and/or any second pre-tenure vacancy on the Faculty Council, the election procedure as described above will be repeated, revising the preliminary ballot and separate lists of tenured and pre-tenure faculty. The second ballot in each case will list the names of five candidates who remain eligible for election to the Faculty Council. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancies by subsequent rounds of election.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The names of the two candidates who received the greatest number of votes on the runoff ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The name of the candidate who received the greatest number of votes on the runoff ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

### **3. Educational Affairs Committee (EAC) <sup>e</sup>**

#### **a. *Function***

The Educational Affairs Committee has two functions of equal importance: (1) to oversee the general direction of the College curriculum and (2) to make recommendations on staffing and the allocation of teaching resources. The EAC considers proposals for new majors, standalone minors\*, and programs, changes in degree requirements and the College academic calendar, and other matters of general educational policy, and refers the proposals it approves to the full faculty for further action. The Committee considers proposals for new and restored positions on the faculty and for replacement staffing for faculty on leave, and recommends the proposals it approves to the provost or the provost's designate. The committee's purpose is to provide guidance and direction to the manner in which resources are allocated to carry out Middlebury's educational mission as a liberal arts college.

\*A standalone minor is defined as any minor for which there is no corresponding major.

#### **b. *Composition***

i. The EAC will be composed of seven members: five elected, full-time, tenured members of the faculty; and two academic administrators appointed by the provost, one of whom will chair the committee. The faculty members of the EAC will elect one of their members to serve as a co-chair, alongside the administrative co-chair. When voting is necessary, only the elected faculty members shall vote, except in the case of a tie, when the chair will cast a deciding vote.

ii. The faculty co-chair will run meetings, set meeting agendas (in consultation with the administrative co-chair and other EAC members), report to the faculty at plenary sessions, and coordinate work with other committee chairs as needed. The administrative co-chair will coordinate the staffing proposal review process, convey EAC staffing recommendations to the provost, and communicate outcomes resulting from deliberations of the EAC. The faculty and administrative co-chairs together will write reports for the EAC.

iii. In carrying out its functions, the EAC will create, as it deems necessary, ad hoc committees to obtain information and recommendations about particular issues. The composition of such ad hoc committees will be at the discretion of the EAC, except that ad hoc committees on matters of general educational policy or academic regulations will always include at least one student member.

iv. The Student Government Association will be responsible for the appointment of four student representatives to serve as members of a Student Educational Affairs Committee (SEAC). The SEAC will invite one faculty member of the EAC to serve in an advisory capacity. The EAC will meet with the SEAC at least once a month to discuss matters of general educational policy. The EAC will consult with the SEAC prior to presenting proposals that require approval of the full faculty, such as proposals for new majors, standalone minors, and programs, changes in degree requirements and the College academic calendar, and other matters of general educational policy. The SEAC may initiate proposals for consideration by the EAC. The members of the SEAC are permitted to attend monthly faculty meetings, with the right to speak during consideration of curricular measures presented by the Educational Affairs Committee.

### ***c. Election***

i. The five elected members of the Educational Affairs Committee will be elected at large by all voting members of the faculty. No more than two members of the committee may be from one division, and no more than one from a department. The elected members will serve three-year terms. Faculty members elected to the EAC normally will not, during their term of office, serve on any other committee or serve as chair of a department or division.

ii. The preliminary ballot will list all tenured members of the full-time teaching faculty, with the exception of the members of the Council on Reviews, Faculty Council, Committee on Diversity, Equity, and Inclusion, Strategy Committee, Resources Committee, Appeals Council, those who will be on leave during the following year, and those made ineligible or whose obligation is waived because of stipulations set forth above. On the preliminary ballot, faculty members may vote for up to five candidates.

Following the preliminary ballot, a second ballot will be distributed listing the five candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates on this ballot. After the second round of voting, a final ballot will be distributed listing the two candidates who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate on this ballot. The candidate with the greatest number of votes will be declared elected.

For any second or third vacancy on the EAC, the election procedure as described above will be repeated, revising the preliminary ballot to account for the mandated balance adjustments following earlier elections. The second ballot in each case will list the names of five candidates who remain eligible for election to the EAC. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancies by subsequent rounds of election.

For any fourth or fifth vacancy on the EAC, a new preliminary ballot will be issued, and the election procedures as described above will be followed.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The names of the two candidates who received the greatest number of votes on the runoff ballot will appear on the final ballot. On the second



ballot of any election, in the event of a tie among two or more candidates for second place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The name of the candidate who received the greatest number of votes on the runoff ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

#### **d. Procedures**

##### *i. Educational Policy*

(a) All proposals affecting general educational policy will be recommended to the faculty through the Educational Affairs Committee.

(b) The EAC will make recommendations regarding general educational policy at one plenary session, and such recommendations will be discussed in divisions or in small group meetings prior to the next plenary session.

(c) Such matters may not be initiated at the May plenary session of the faculty.

##### *ii. Programs and Majors*

(a) The Educational Affairs Committee will recommend for approval by a vote of the faculty any new program, standalone minor, or major or the elimination of any existing program, standalone minor, or major.

(b) Proposals for new programs, standalone minors, and majors to be introduced in the following year's catalog should be submitted, with divisional approval, to the EAC no later than November 15. All proposals for new programs and majors recommended by the EAC will be presented to the full faculty for a vote.

##### *iii. Academic Regulations*

(a) Proposals for changes in academic regulations included in the catalog and the College Handbook will be referred to the Educational Affairs Committee.

(b) The EAC may either consider these proposals itself, refer them to an ad hoc committee, or refer them to the Curriculum Committee. Recommendations regarding changes in academic regulations may be brought directly to the faculty for a vote by an ad hoc committee or by the Curriculum Committee.

#### **e. Standing Committees**

The various standing committees will keep the Educational Affairs Committee informed of their activities through minutes of all their meetings. In a given year the EAC may also decide to concentrate its attention on the issues arising before a particular standing committee: at the EAC's request, one of its members may be named to sit on such a committee and to serve as a liaison between the two groups. The standing committees include:

##### *i. Curriculum Committee*

(a) *Composition:* the dean of curriculum, who is chair, four faculty members from different divisions, and two student members, elected by the Student Government Association.

(b) *Function:* To approve or reject requests for additions, deletions, or alterations of courses that have been recommended by the appropriate divisions/departments; to act upon proposed changes in requirements for existing programs, majors, and minors; to exercise general oversight of the distribution requirement and the cultures and civilizations requirement; to exercise general oversight of the first-year seminar program; to undertake responsibility for the administration of an effective and well-balanced winter term program; to approve, in consultation with the dean of the College or designee, proposals from students for Independent Scholar status. The divisions may propose to the Curriculum Committee that certain courses be given divisional

designations rather than departmental letters. Such proposals require prior consent of the instructor's department and the division in which the course is to be offered.

(c) *Procedure:*

(1) Proposals for the addition of courses to the curriculum must be presented to the Curriculum Committee for approval. Proposed courses for the fall and spring terms should be submitted to the Curriculum Committee by the deadline listed in the Chairs' Calendar.

(2) Proposals for changes in requirements for existing programs, majors, and minors should be submitted to the Curriculum Committee.

(3) Disposition of proposals in categories (1) and (2) may take one of the following forms:

Changes approved unanimously by the committee become a part of the curriculum except those involving financial commitments or teaching staff.

All proposals other than those passed unanimously may, at the discretion of any member of the Curriculum Committee, be brought by the committee to the EAC for action; if approved, they become part of the curriculum except those involving financial commitments or teaching staff.

The Curriculum Committee will consult the EAC before acting on proposals which involve questions of financial commitments or teaching staff.

All approved changes will be reported to the faculty.

ii. *Administration Committee*

This committee is responsible for reviewing petitions from students for exceptions to certain academic policies and from faculty members for grade changes. Policies overseen by the Administration Committee include but are not limited to the following:

- course drops after the deadline for exceptional personal circumstances;
- reduced course load for exceptional personal circumstances;
- invocation of Pass/D/Fail status after the deadline for exceptional personal circumstances;
- requests for readmission after academic failure or conduct-related suspension;
- reinstatement for the purpose of credit transfer toward the Middlebury degree;
- exceptions allowing retaking of courses for which credit was earned;
- waivers of residence requirements for first-year Winter Term or senior year for non-medical reasons;
- grade change requests from faculty members.

The Office of the Registrar may forward to the Administration Committee unusual or unprecedented petitions that fall within the office's scope of responsibility for which the Registrar requests a Committee decision.

The Administration Committee is composed of two co-chairs, generally a dean from the Dean of Students Office and a returning faculty member; three faculty members from across the academic divisions; and the registrar and associate registrar. Only the members of the faculty and dean serve as voting members.

Middlebury's academic policies embody the expectations that students are enrolled at Middlebury to pursue their academic degree; that they must adhere responsibly to the policies that support this goal; and that if factors arise that interfere with this goal, they will address them responsibly and/or seek help from Middlebury or external resources in a timely fashion. When evaluating petitions requesting exceptions to these policies, the Committee generally considers the following:

- the goals of the relevant policies;
- the responsibilities of students and of the institution;

- the principles of fairness to the petitioner and of fairness to all other affected parties;
- the individual circumstances of the petitioner.

Petitions may be approved, tabled, or denied. Petitions are tabled when the Committee identifies additional information needed for the evaluation; upon its receipt, the Committee resumes consideration. In cases of denial, petitioners who wish to provide relevant new or clarifying information may resubmit their petition to the Administration Committee for reconsideration.

Procedures for submitting a petition may be found on the [Administration Committee website](#).

### iii. *Athletic Policy Committee*

The committee has the responsibility to formulate and recommend to the faculty policy concerning intercollegiate athletics for Middlebury College undergraduates, in accordance with the rules of the National Collegiate Athletic Association (NCAA), the Eastern College Athletic Conference (ECAC), and the New England Small College Athletic Conference (NESCAC), in which Middlebury maintains membership. The committee acts as an executive committee. Its decisions are subject to review at the following faculty meeting through approval of the minutes of its meeting. As an executive committee, the committee has the following responsibilities: (a) approving all athletic schedules within the limits established by the faculty; (b) approving the number of classes missed for a particular event; (c) making exceptions to established faculty athletic policy; and (d) obtaining financial authorization from the administration prior to taking executive action or recommending action by the faculty. One of the faculty members of the committee will serve as the College's NCAA faculty representative. The chair of the Athletic Policy Committee, who will be a tenured member of the faculty, will also serve as a member of the Physical Education and Athletics Committee on Reappointment (PEACOR).

### iv. *Preprofessional Committees*

To prepare committee recommendations; to assist students in their applications to medical, dental, engineering, and other professional schools.

### v. *Education Studies Committee*

To work with the director of education studies in an advisory capacity. The committee consists of the director of education studies and two faculty members.

### vi. *Off-Campus Study*

To review, appraise, and approve or disapprove all student applications for a leave of absence to study off campus. The committee will be composed of two members of the faculty, one of whom is from the foreign language division, the director of off-campus study, and two senior students who have participated in off-campus programs.

### vii. *Center for Careers and Internships Advisory Committee*

To work with the director of the Center for Careers and Internships in an advisory capacity. The committee consists of the director, two faculty members, and students.

### viii. *Honorary Degree Committee*

Two faculty members will be appointed to serve on the trustee committee that recommends to the president candidates for honorary degrees and Commencement speakers.

## 4. **Committee on Diversity, Equity, and Inclusion (CDEI)**

### a. **Function**

The Committee on Diversity, Equity, and Inclusion is the primary faculty governance body addressing institutional and social diversity in the broadest sense, serving as an independent advocacy group, advisory body, and faculty network for exchange and support of ideas and policies. The committee consults and meets, at least once per academic year, with different entities such as the Senior Leadership Group, the Office of Institutional Diversity, Equity, and Inclusion, the Strategy and Resources Committees, the Alliance for an Inclusive Middlebury, the Admissions Office, the Educational Affairs Committee and its subcommittees (in particular, the Curriculum Committee and Administration Committee). Its activities take two forms: reaching out to the relevant parts of the College to address issues raised among the faculty, and being a resource for various parts of the College to consult for a faculty perspective on diversity. It works to strengthen Middlebury's commitment to the ideals, practices, and policies with which we collectively seek equity and inclusion across the institution by working with and through other institutional governance structures to provide recommendations that support students, staff and faculty work toward these goals. The committee's areas of attention may include but are not limited to the following:

#### 1) Faculty Leadership

The CDEI represents faculty perspectives on diversity policies and practices, and serves as the institutional connection between the administration and the faculty on issues of diversity, inclusion, and equity. It advocates for opportunities for all faculty members to learn more strategies to address these issues in their teaching, promote a culture of inclusivity, and enhance our potential for institutional transformation. The CDEI meets with the Provost at least once each semester, and with other members of the Senior Leadership Group as necessary. The CDEI also works with the Student Government Association and other relevant student groups (such as the Black Student Union, Women of Color, and Distinguished Men of Color) to ensure open and productive communication between students and faculty around issues pertaining to diversity at Middlebury.

#### 2) Policy Brokerage

The CDEI compiles and expresses faculty concerns and suggestions for transforming Middlebury's status quo. It serves both as a sounding board for the administration to workshop its ideas for policy changes, and as a loudspeaker for faculty ideas. This brokerage function is particularly important for junior faculty with concerns and good ideas, who may be cautious about asserting themselves while working their way toward tenure.

#### 3) Communication and Reporting

The CDEI occasionally reports on its activities at faculty meetings, in addition to setting an agenda of targets and goals at the beginning of each academic year. It also responds to faculty questions and initiatives relating to issues of racism, diversity, and inclusion as these emerge from these meetings and the other mechanisms of faculty governance. At the end of each academic year, the CDEI will submit a brief report to the faculty on its deliberations and actions, and identify issues for consideration the following year. This report will be included in the minutes of the last plenary session of the faculty.

#### 4) Outreach

The CDEI annually engages the College faculty in a discussion of issues of race, diversity, and inclusion, especially as they relate to the College, and solicit faculty input regarding them. Pragmatically, this may take the form of an annual Summit on Diversity and Inclusion. The committee may also sponsor reading groups or lectures on topics related to issues in higher education that warrant consideration by the faculty. It can also keep records, numbers, and data about diversity issues in a centralized and public space, open to all faculty. This resource will solidify our institutional memory and support curricular and institutional innovations.

### **b. Composition**

The CDEI will consist of six faculty members, with the Chief Diversity Officer serving as an ex officio member and attending its meetings at the committee's invitation. The committee should reflect the diversity that Middlebury seeks to achieve. No more than two CDEI members shall be junior faculty. Faculty Council will be

responsible for inviting and appointing some members of this committee, with the expectation that the procedure would maintain the CDEI's autonomy in relation to rest of the College's administration and governance structure. It will meet at least once per month, and more often as necessary.

Membership on the CDEI is open to all tenured faculty members, all pre-tenure faculty members on regular appointment, and all faculty members on special appointment who have contracts extending for at least one year beyond the date of the start of the term to which they would be elected or appointed. A member of the CDEI must have completed two years of full-time faculty status at Middlebury before their term begins. A member of the CDEI may not simultaneously serve on the Council on Reviews, Faculty Council, Educational Affairs Committee, Strategy Committee, Resources Committee, or Appeals Council. No more than two members of the CDEI may be from one division and no more than one member may be from one department. The departmental affiliation of the Chief Diversity Officer will not figure into the distribution of members.

The term for members of the CDEI is three years. Two of the positions will be elected by the faculty. The remaining four positions will be appointed by the Faculty Council in its role as the Committee on Committees. Faculty Council should consider ways to ensure that the CDEI membership includes interest in, expertise about, and community support on diversity issues. It could, for example, require that one of the Faculty Council-appointed positions be from an academic department that directly addresses diversity issues. It could create a student nomination process for another of these positions.

Elections and appointments will normally be for three-year terms. Positions that become vacant due to leaves, retirements, or for other reasons will be filled in the same way that the departing member was first selected for the committee: vacancies in elected positions will be filled by election, and vacancies in appointed positions will be filled by appointment.

The CDEI will elect one of its own tenured members as chair. The chair will run meetings, set meeting agendas, write reports, report to the faculty at plenary meetings, and coordinate work with other committee chairs as needed.

### ***c. Election***

For election for the CDEI, a preliminary ballot will include a list of all eligible tenured members, all eligible pre-tenured faculty members on regular appointment, and all eligible faculty members on special appointment who have contracts extending for at least one year beyond the date of start of the term to which they would be elected. Faculty members already serving on Council on Reviews, Faculty Council, Educational Affairs Committee, Strategy Committee, Resources Committee, those who will be on leave during the following year, and those made ineligible or whose obligation is waived because of stipulations set forth above are ineligible for election. On the preliminary ballot, faculty members may vote for up to five candidates. Following the preliminary ballot, a second ballot will be distributed, listing the names of the five candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates on the second ballot. After the second round of voting, a final ballot will be distributed, listing the two candidates who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate on the final ballot. The candidate with the greatest number of votes will be declared elected.

If there is a second vacancy on the CDEI to be filled by election in a given year, the election procedure as described above will be repeated. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancy by subsequent rounds of election.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The names of the two candidates who received the greatest number of votes on the runoff ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot.

The name of the candidate who received the greatest number of votes on the runoff ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

#### **d. Procedures**

In carrying out its functions, the CDEI may create *ad hoc* committees comprised of other faculty (and, as necessary, staff members and students) as needed. The procedures for seeking approval of CDEI initiatives will be dictated by the nature of the initiative, but will follow existing channels for review as appropriate, including but not limited to the SGA, Community Council, Faculty Council, Educational Affairs Committee, and full faculty vote.

### **5. The Strategy Committee**

#### **a. Function**

The Strategy Committee represents the College faculty in long-range strategic planning with the administration and the Board of Trustees. Though the committee is concerned primarily with the College, it will also represent the faculty in shared-governance discussions on matters of common interest to the College, the Schools, and the Institute. The committee is also charged with engaging the faculty, administration, and trustees on developments in higher education (both nationally and globally), as they might affect Middlebury College. In fulfilling this charge, the Strategy Committee will:

1. Work closely with the provost to develop and monitor long-range strategic planning especially as it relates to the integrity of Middlebury College and possible collaborations among it, the Schools, and the Institute.
2. Meet each fall and spring term, and at other times as necessary, with the Resources Committee to review Middlebury's finances as they relate to current and long-range priorities involving the College's mission. The Strategy Committee will meet with the provost once each fall and spring term, and at other times as necessary.
3. Consult with other elected or appointed faculty committees regarding issues that may be of special significance for their work on long-term strategic planning.
4. Meet with Faculty Council, and any other committees the Council invites, to collaborate on issues requiring broad discussion among leaders of the faculty.
5. Annually engage the College faculty in a discussion of issues of long-term strategy, especially as they relate to the College, and solicit faculty input regarding them. The committee may also sponsor reading groups or lectures on topics related to issues in higher education that warrant consideration by the faculty.
6. Meet regularly, as representatives of the College's faculty, with the Strategy Committee of the Board of Trustees to review Middlebury's long-range planning, especially as it relates to the academic mission of Middlebury College and its collaborations with the Institute and the Schools. When appropriate and by agreement with the administration and members of the Board's Strategy Committee, these discussions may be held in confidence, with the expectation that in due course they will receive full and open discussion as any resultant decision-making procedure unfolds.
7. Contribute to the development of strategic plans initiated by the administration or the Board of Trustees. The committee will work with any ad hoc planning committee appointed by the administration or the Board, either through the appointment of one or more members of the Strategy Committee to the ad hoc planning committee, or through active consultation with the ad hoc planning committee.
8. At the end of each academic year submit a brief report to the faculty on its deliberations and actions, and identify issues for consideration the following year. This report will be included in the minutes of the last plenary session of the faculty.

## **b. *Composition***

i. The Strategy Committee will consist of four faculty members. Membership on the Strategy Committee is open to all tenured faculty members, all pre-tenured faculty members on regular appointment, and all faculty members on special appointment who have contracts extending for at least one year beyond the date of start of the term to which they would be elected or appointed. A member of the Strategy Committee must have completed two years of full-time faculty status at Middlebury before his or her term begins. A member of the Strategy Committee may not simultaneously serve on the Council on Reviews, the Faculty Council, the Educational Affairs Committee, the Committee on Diversity, Equity, and Inclusion, the Resources Committee, or the Appeals Council. No more than two members of the Strategy Committee may be from one division and no more than one member may be from one department.

ii.. Two of the positions will be elected by the faculty. The remaining two positions will be appointed by the Faculty Council in its role as the Committee on Committees.

iii. Elections and appointments will normally be for three-year terms. Positions that become vacant due to leaves, retirements, or for other reasons will be filled in the same way that the departing member was first selected for the committee: vacancies in elected positions will be filled by election, and vacancies in appointed positions will be filled by appointment.

iv. The Strategy Committee will elect one of its own members as chair. The chair will run meetings, set meeting agendas, write reports, report to the faculty at plenary meetings, and coordinate work with other committee chairs as needed.

## **c. *Election***

For election for the Strategy Committee, a preliminary ballot will include a list of all eligible tenured members, all eligible pre-tenured faculty members on regular appointment, and all eligible faculty members on special appointment who have contracts extending for at least one year beyond the date of start of the term to which they would be elected. Faculty members already serving on Council on Reviews, Faculty Council, Educational Affairs Committee, Committee on Diversity, Equity, and Inclusion, Resources Committee, those who will be on leave during the following year, and those made ineligible or whose obligation is waived because of stipulations set forth above are ineligible for election. On the preliminary ballot, faculty members may vote for up to five candidates. Following the preliminary ballot, a second ballot will be distributed, listing the names of the five candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates on the second ballot. After the second round of voting, a final ballot will be distributed, listing the two candidates who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate on the final ballot. The candidate with the greatest number of votes will be declared elected.

If there is a second vacancy on the Strategy Committee to be filled by election in a given year, the election procedure as described above will be repeated. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancy by subsequent rounds of election.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The names of the two candidates who received the greatest number of votes on the runoff ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The name of the candidate who received the greatest number of votes on the runoff ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

## **6. The Resources Committee**

**a. *Function***

The Resources Committee represents the College faculty in shared-governance discussions with the administration and Board of Trustees regarding Middlebury's financial sustainability, especially as it relates to the College. In addition to its concern with matters directly related to the faculty, the Committee will also consider other financial matters that affect the integrity of Middlebury's academic program and, for example, the College's commitments to supporting students with financial need and insuring the diversity of the community. In carrying out this role, it will:

1. Work closely with the provost and chief financial officer during planning for and implementation of the College's annual budget, requiring from them full access to financial data related to development of the budget. The members of the Resources Committee will respect confidentiality with regard to those aspects of the budget for which it is necessary. The Resources Committee will meet with the provost and chief financial officer once each fall and spring term, and at other times as necessary.
2. Meet each fall and spring term, and at other times as necessary, with the Strategy Committee to review Middlebury's finances as they relate to current and long-range priorities involving the College's mission.
3. Meet with Faculty Council, and any other committees the Council invites, to collaborate on issues requiring broad discussion among leaders of the faculty.
4. Meet annually, and at other times as necessary, with the Resources Committee of the Board of Trustees to discuss Middlebury's finances and long-range priorities, especially as they relate to the College, and on other issues of mutual concern as necessary.
5. Represent the College faculty in annual reviews and evaluations of (1) the College's comprehensive fee, and (2) policies and funding related to financial aid—in collaboration with other committees and groups concerned with these numbers.
6. Meet annually with the College faculty to report on and discuss Middlebury's finances and long-range priorities, especially as they relate to the College.
7. Report to the faculty at least twice each year, providing information on faculty salaries and benefits.
8. Consult with, or respond to, other elected or appointed faculty committees as necessary with regard to financial matters that may come before them.
9. At the end of each academic year, submit a brief summary report to the faculty on its deliberations and actions, and identify issues for consideration for the following year. This report will be included in the minutes of the last plenary session.

**b. *Composition***

- i. The Resources Committee will consist of four faculty members. Membership on the Resources Committee is open to all tenured faculty members, all pre-tenured faculty members on regular appointment, and faculty members on special appointment who have contracts extending for at least one year beyond the date of start of the term to which they would be elected or appointed, and have been a faculty member at the College for at least seven years. A member of the Resources Committee must have completed two years of full-time faculty status at Middlebury before his or her term begins. A member of the Resources Committee may not simultaneously serve on the Council of Reviews, the Faculty Council, the Educational Affairs Committee, the Committee on Diversity, Equity, and Inclusion, the Strategy Committee, or the Appeals Council. No more than two members of the Resources Committee may be from one division, and no more than one member may be from one department.
- ii. Two of the positions will be elected by the faculty. The remaining two positions will be appointed by the Faculty Council in its role as the Committee on Committees.



iii. Elections and appointments will normally be for three-year terms. Positions that become vacant due to leaves, retirements, or for other reasons will be filled in the same way that the departing member was first selected for the committee: vacancies in elected positions will be filled by election, and vacancies in appointed positions will be filled by appointment.

iv. The Resources Committee will elect one of its own members as chair. The chair will run meetings, set meeting agendas, write reports, report to the faculty at plenary meetings, and coordinate work with other committee chairs as needed.

### ***c. Election***

For election for the Resources Committee, a preliminary ballot will include a list of all eligible tenured members, all pre-tenured faculty members on regular appointment, and all eligible faculty members on special appointment who have contracts extending for at least one year beyond the date of start of the term to which they would be elected. Faculty members already serving on Council on Reviews, Faculty Council, Educational Affairs Committee, Committee on Diversity, Equity, and Inclusion, Strategy Committee, those who will be on leave during the following year, and those made ineligible or whose obligation is waived because of stipulations set forth above are ineligible for election. On the preliminary ballot, faculty members may vote for up to five candidates. Following the preliminary ballot, a second ballot will be distributed, listing the names of the five candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates on the second ballot. After the second round of voting, a final ballot will be distributed, listing the two candidates who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate on the final ballot. The candidate with the greatest number of votes will be declared elected.

If there is a second vacancy on the Resources Committee to be filled by election in a given year, the election procedure as described above will be repeated. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancy by subsequent rounds of election.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The names of the two candidates who received the greatest number of votes on the runoff ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a runoff ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the runoff ballot. The name of the candidate who received the greatest number of votes on the runoff ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

## **7. The Appeals Council and Appeal Committees<sup>2</sup>**

### ***a. Function***

The Appeals Council will form an Appeal Committee to hear the case of any faculty member who believes that his or her non-reappointment is based on grounds involving procedural errors that may have influenced the Promotions Committee or the Reappointments Committee, the president and/or provost, or violations of academic freedom, as outlined in the Rules of Appointment and Tenure, Appeal Procedures, in the Faculty Handbook section of this handbook.

### ***b. Election of Appeals Council***

The faculty will elect five tenured faculty to serve as an Appeals Council. The Appeals Council will select a secretary. All tenured members of the faculty, except the members of the Council on Reviews, the Faculty Council, the Educational Affairs Committee, the Committee on Diversity, Equity, and Inclusion, the Strategy Committee, and the Resources Committee, administrative officers, and those scheduled for leave in the year in

which the elected term would begin are eligible for election to the Appeals Council. No two members of the Appeals Council may be from the same department.

Each year members of the faculty will be elected to three-year terms to fill vacant positions on the Appeals Council. A preliminary qualifying ballot will list all tenured members of the faculty, except the members of the Council on Reviews, the Faculty Council, the Educational Affairs Committee, the Committee on Diversity, Equity, and Inclusion, the Strategy Committee, the Resources Committee, those who will be on leave during the year in which a term is scheduled to begin, and those made ineligible or whose obligation is waived because of stipulations set forth above are ineligible for election. On the preliminary ballot, faculty members may vote for as many candidates as they like.

The candidate who receives the greatest number of votes on the preliminary ballot will be declared elected, provided that he or she obtains the support of 50% or more of the voters who cast ballots. For any further vacancy, the eligible candidate who receives the next greatest number of votes on the preliminary ballot will be declared elected, provided that he or she obtains the support of 50% or more of the voters who cast ballots. If the vacancies are of different lengths, the longest vacancy will be filled by the candidate who receives the greatest number of votes, and shorter vacancies by eligible candidates who receive the next greatest number of votes.

For any vacancy, if no eligible candidate obtains support from 50% or more of the voters who participated in the preliminary ballot, a second ballot will be distributed listing the two eligible candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for one candidate on this ballot. The candidate with the greatest number of votes will be declared elected.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the two highest vote totals will be included on the second ballot. If no candidate on the second ballot receives more than 50% of the votes cast, the names of the two candidates who received the greatest number of votes will appear on a final ballot.

### ***c. Formation of an Appeal Committee***

When an appeal is to be heard, the Appeals Council will form an Appeal Committee, choosing its chair and two other members by rotation from the Appeals Council. In no case will a member of an Appeal Committee be a member of the appellant's department. In the event of an appeal resulting from a negative Physical Education and Athletics Committee on Reappointment (PEACOR) review, an additional member will be selected at random from the pool of eligible senior associates in athletics to serve on the Appeal Committee alongside two regular members of the Appeals Council. The selected senior associate in athletics should have no shared coaching responsibilities with the appellant. The Appeals Council will hear and act upon any request (whether by a panel member or by the appellant) that any member be disqualified from serving on an Appeal Committee; such request must be submitted to the Appeals Council within one week after the appellant has been notified of the Appeal Committee's membership.

## **8. Physical Education and Athletics Committee on Reappointment<sup>2</sup>**

The Physical Education and Athletics Committee on Reappointment (PEACOR) will be composed of the director of athletics, the senior woman administrator, a senior department member elected by the members of the department of physical education, the chair of the Faculty Athletic Policy Committee, and the dean of the College. This committee will conduct major reviews of faculty in the department of physical education in accordance with the provisions for "Review and Reappointment in the Department of Physical Education" included in the rules of reappointment and tenure.

## **C.3. Rules of Appointment and Tenure for Academic Faculty**

**Section Links:****1. [General Provisions](#)**

- a. [Purpose](#)
- b. [Principles](#) – teaching, scholarship, service, academic freedom
- c. [Faculty Appointments](#) – regular, term, special, associate appointments, voting, committee assignments
- d. [Procedure of Appointment](#)
- e. [Review and Reappointment](#) – review schedule, first review, post-review consultation, appointments following a negative review
- f. [Promotion to Tenure](#) – institutional assumptions regarding tenure, initial appointment with tenure, review for promotion to professor, ten-year review

**2. [Review Procedures](#)**

- a. [Purpose](#)
- b. [Evaluation of Teaching](#) – criteria, course response forms, classroom visits
- c. [Evaluation of Scholarship](#)
- d. [Evaluation of Service](#)
- e. [Departmental Evaluation](#)
- f. [Program Director's Evaluation](#)
- g. [Confidentiality and Access](#)

**3. [Procedures and Responsibilities](#)**

- a. [First Review](#)
- b. [Post-Review Consultation](#)
- c. [Review for Tenure](#)
- d. [Review for Promotion to Professor](#)
- e. [Ten-Year Review](#)
- f. [Contract Reviews](#)

**4. [Prior Service, Early Review, and Length of Appointment](#)**

- a. [Normal Review Schedules in Case of Prior Service](#)
- b. [Review Schedule for Term Appointments](#)
- c. [Length of Appointment and Tenure](#)

d. [Early Reviews](#)

e. [Deferred Reviews](#)

f. [Notification Date](#)

g. [Retirement](#)

## 1. General Provisions

### a. Purpose

The Rules of Appointment and Tenure set forth the regulations and the procedures affecting appointments of the instructional faculty of Middlebury College. These criteria and procedures apply to the Council on Reviews (consisting of the Reappointments Committee and the Promotions Committee), to the president, the provost, and to all academic departments and programs at Middlebury College, and are the only criteria and procedures that may be required as conditions for appointment, reappointment, and promotion. Because its judgment is central to general educational policy, the faculty has primary responsibility (exercised through the Council on Reviews, academic departments and programs, and individual faculty members) to make recommendations for appointment. The president normally follows the recommendation of the Promotions Committee. The provost normally follows the recommendation of the Reappointments Committee. In cases where the president or provost does not follow the recommendation of the Promotions Committee or the Reappointments Committee, respectively, they will communicate the reasons to the appropriate committee and the reasons will be stated in the review file.

### b. Principles

**i. Teaching.** Middlebury College expects to appoint to the faculty people of exceptional promise and achievement as teachers and as scholars or artists, who will help students to grow and to develop habits of lifelong learning, critical inquiry, and lucid communication.

As a residential liberal arts college, Middlebury views teaching from a broad perspective that extends beyond the activities in classrooms, laboratories, studios, and recital halls. Advising students, providing guidance for independent projects, and the careful evaluation of student work are important components of a faculty member's responsibilities. Public lectures, presentations, or performances also contribute to teaching at Middlebury.

The **Course Syllabus** communicates the overall expectations that the faculty has for student work. It must be issued by the instructor at the beginning of every regular course. The course syllabus shall include: general course information, instructor information, a course description, course objectives, instructional methodology, grading information, course materials, and a course outline with tentative deadlines. A basic syllabus should be uploaded to the Course Hub at least one week before classes begin.

The syllabus is subject to change as determined by the instructor with advance notice and due respect to fairness to the students as a whole. No additional major papers or projects may be announced after the end of the fifth week of the semester. No new assignments of work for evaluation may be made during the last week of classes.

**ii. Scholarship.** Middlebury believes that a faculty actively engaged in scholarship enriches the intellectual climate of the College. The mastery of new knowledge or skills, including those outside of the faculty member's own discipline, is valued as a contribution to the intellectual life of the College; however, the quality of a faculty member's scholarship is evaluated primarily through his or her published, performed, or executed works. Scholarly achievement that is recognized as of significantly high quality by scholars or artists beyond Middlebury College is a prerequisite for promotion to tenure.

**iii. Service.** The Middlebury faculty has a vital role to play in sustaining the intellectual climate of the College outside the classroom, in governing the College, and in extending the impact of the College beyond the bounds of the campus. Beyond teaching and scholarship, the service roles played by individual faculty members include departmental, program, and committee responsibilities, activities with student organizations, participation in admissions or alumni activities, and other activities that benefit Middlebury College.

**iv. Academic Freedom.** Adapted from the 1940 "Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors:

*(a) Purposes.* Institutions of higher education are conducted for the common good and not to further the interests 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.

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

*(b) Principles.* The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his or her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his or her subject, but should be careful not to introduce into his or her teaching controversial matter which has no relation to the subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

College or university teachers are citizens, members of learned professions, and officers of an educational institution. In speaking or writing as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning 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 institutional spokespeople.

Consistent with AAUP's 1940 "Statement of Principles on Academic Freedom and Tenure" and its subsequent amendments, all members of the Middlebury College faculty are entitled to full academic freedom described above regardless of race, color, ethnicity, sex, religion, national origin, age, disability, marital status, place of birth, veteran status, gender identity and expression, or sexual orientation.

### **c. Faculty Appointments<sup>2</sup>**

**i. Regular and Term Appointments.** Both term and regular appointments may be offered at any faculty rank. Regular appointments are renewable and subject to the Review and Reappointment procedures described in subsections 1.e. and 1.f. below. Faculty on regular appointment normally pass through a probationary period whose length may vary with prior service elsewhere, during that time undergoing one or more reviews that will evaluate, both for the faculty member and for the College, the progress they have made in developing the qualities that may lead to appointment without limit of tenure.

Term appointments are either for specified terms only, or renewable, but faculty on term appointments are not eligible for tenure. Whether a faculty position is to be a regular or term appointment shall be determined by the

provost, with the advice of the Educational Affairs Committee, prior to the filling of the position. Any change from a term to a regular appointment must be initiated by the appropriate department chair, recommended by the EAC, and approved by the provost. A faculty member who holds a regular Middlebury faculty appointment cannot be appointed after the first review to a full-time faculty position outside of rank. Faculty appointments are considered to be in rank when they use the following titles:

(a) *Instructor*: Normal rank for faculty who have not completed the Ph.D. degree or equivalent terminal degree. The completion of the degree normally leads to promotion to Assistant Professor without a review by the Council on Reviews.

(b) *Assistant Professor*: Normal rank for faculty who have completed a terminal degree, but who have not been reviewed for and appointed to tenure.

(c) *Associate Professor*: Normal rank for first appointment with tenure, or whose initial appointment, based on accomplishment elsewhere, is at the rank of associate professor.

(d) *Professor*: The rank awarded to faculty who have passed the post-tenure review described in 1.f.iv. below, or whose initial appointment, based on accomplishment elsewhere, is at the rank of professor.

**ii. Special Appointments.** Individuals with special appointments normally do not follow the schedule of reviews and promotions of regular faculty. Special appointments are assigned one of the faculty titles below. Special appointments may be within or outside of rank, do not carry tenure, and are not subject to the review and reappointment procedures described in subsection 1.e. However, faculty members on renewable special appointment are subject to periodic Contract Reviews by the Reappointments Committee, as specified in subsection 3.f., below.

(a) *Lecturer and Senior Lecturer*: Renewable full- or part-time term appointments to fulfill specialized teaching responsibilities. Lecturers are not required to have a terminal degree. After at least nine years of consecutive service and following a successful Contract Review, Lecturers will be reappointed as Senior Lecturers.

(b) *Assistant Professor (non-tenure-track)*: Multi-year appointments of two to five years in length with less than full-time teaching responsibilities. Faculty appointed to this rank must have a terminal degree. Those individuals hired at this rank who are ABD will initially be appointed as Instructor. For those on two-year contracts, the department or program will normally request an increase to at least a three-year contract if it requests a second renewal. For those on three-year contracts, the department or program will normally request an increase to a five-year contract if it requests a second renewal.

(c) *Associate Professor (without tenure)*: Faculty appointed as Assistant Professor (non-tenure-track) may be promoted to Associate Professor (without tenure) after at least two successful contract reviews, as described in subsection 3.f. below, and at least six years of consecutive service.

(d) *Assistant in Instruction*: Full- or part-time renewable term appointments to fulfill specialized teaching functions associated with courses. Assistants in Instruction serve as teaching assistants, work one-on-one with students, and/or provide technical support for student work.

(e) *Laboratory Instructor*: Full- or part-time renewable term appointments to fulfill specialized teaching functions associated with the laboratory components of courses. Laboratory Instructors have full responsibility for teaching and curriculum design of laboratory sections. Laboratory Instructors must have an advanced degree, but do not have a terminal degree.

(f) *Assistant Laboratory Professor*: Full- or part-time renewable term appointments to fulfill specialized teaching functions associated with the laboratory components of courses. Assistant Laboratory Professors have full responsibility for teaching and curriculum design of laboratory sections. Assistant Laboratory Professors must have a terminal degree.

(g) *Associate Laboratory Professor*: Full-or part-time renewable term appointments to fulfill specialized teaching functions associate with the laboratory components of courses. Faculty appointed as Assistant Laboratory Professor may be promoted to Associate Laboratory Professor after at least two successful contract reviews, as described in subsection 3.f. below, and at least six years of consecutive service. Associate Laboratory Professors must have a terminal degree.

(h) *Visiting Appointments*: Visiting appointments are full- or part-time term appointments that may be offered to faculty for no more than three years. At the conclusion of the term of the visiting appointment, it may be converted to a new renewable contract or regular appointment under the provisions specified above.

(i) *Adjunct Appointments*: Adjunct appointments are part-time term appointments that may be made at any adjunct title and may be renewed. Adjunct appointments normally are offered to individuals whose major professional responsibilities lie outside teaching.

(j) *Physical Education*: Faculty in the Department of Physical Education receive renewable term appointments in rank, and are subject to the review procedures as outlined in the contiguous section "Reviews for Physical Education Faculty". Physical Education Faculty appointments are considered as such when they use the following titles:

i. *Instructor in Physical Education* – This is the normal starting rank for coaches who have limited coaching background. Term contracts are issued for one or two years.

ii. *Assistant in Physical Education* – This is the normal rank for Head Coaches and Program Directors, who possess significant coaching and/or program experience. A Master's degree is preferred, (but not required). The rank is granted to coaches who show the promise of superior coaching and teaching ability based on previous coaching and/or program experience. Coaches in this rank will generally be offered a three-year contract, and upon successful reviews, a second three-year contract.

iii. *Associate in Physical Education* – This is the normal rank for coaching faculty who have demonstrated superior coaching and teaching ability, and after a major review are appointed to a renewable five-year contract. A Master's degree is preferred.

iv. *Senior Associate in Physical Education* – This is the rank awarded to coaching faculty who have undergone a major contract review during the tenth year as an Associate and continue to demonstrate superior coaching and teaching ability. A faculty member with a Senior Contract will be granted a renewable seven-year contract.

(f) *Administrative Appointments*: Senior College administrators whose major professional responsibilities are in support of the instructional program may be granted faculty rank.

**iii. Associate Appointments.** Associate appointments are regular faculty appointments in rank which normally carry no more than one-half the normal College teaching responsibility. Associates have all the rights, responsibilities, and privileges of their rank, including tenure for associates at the rank of associate professor or professor. (See section a. in *Special Provisions of Appointment* for procedures and conditions.)

**iv. Appointments and Voting Rights.** All faculty on regular appointment, regular faculty on associate status, senior College administrators with faculty rank, and full-time and part-time teaching faculty on special appointment, except for adjunct faculty, may vote.

**v. Appointments and Committee Assignments.** Faculty members on regular, full-time special appointment, or associate appointment are eligible for assignment or election to all faculty committees and councils, provided all conditions for membership are met. All faculty members are expected to fulfill normal advising and administrative responsibilities.

#### **d. Procedures of Appointment**

**i. *New appointments.*** New appointments are made by the president or the president's designate in accordance with the authority vested in them by the Board of Trustees. New appointments, reappointments, and promotions are reported by the president to the board at its regular meetings.

In considering appointment to the faculty of a person not already serving on it, the president will solicit the advice of the chair of the department concerned and such other advice and recommendation as they may deem appropriate.

**ii.** Offer of appointment or reappointment to the faculty will in all cases be tendered in writing and shall include a statement of precise terms and conditions of appointment and status of appointment with respect to tenure, and in the Department of Physical Education and Athletics with respect to contract terms. For a person already serving on the faculty, such offer will be extended early enough to be in their hand no later than the notification date as specified below in 4.f., Notification Date.

**iii.** Acceptance of appointment likewise will be tendered in writing. In the case of a person already serving on the faculty, such written acceptance or rejection shall be returned not more than 15 days after the notification date. Some extension of this period may be permitted by the president or the president's designate upon specific request in an exceptional case.

**iv.** Notice of non-reappointment of a person serving on the faculty will be given in writing no later than the notification date as specified below in 4.f., Notification Date. Such notice shall be deemed to have been given if the appointment upon which the person concerned is then serving was specifically stated to be a terminal appointment.

#### **e. Review and Reappointment<sup>2</sup>**

**i. *Review schedule.*** Faculty on regular appointment whose first full-time appointment is at Middlebury are reviewed in the third year of appointment. Those who are reappointed following the first review will normally be reviewed for tenure in the spring of the seventh year after initial appointment. Requests for early review are detailed under section 4.d below.

**ii. *First Review.*** In the third year of appointment to the faculty, unless there is credit for prior service, the Reappointments Committee undertakes a thorough review of the faculty member for evidence of accomplishment in teaching, scholarly or creative activity, and promise of outstanding teaching and developing scholarly or artistic achievement appropriate to the year in which the review takes place. The composition and long-term needs of the department and the faculty will also be considered. The procedures to be followed for the first review are set forth below.

The Reappointments Committee will arrange a meeting with successful first review candidates within one month of the review. The only persons present will be the candidate, the Reappointments Committee, and the vice president for Academic Affairs and dean of the faculty (VPAA/DoF), as secretary to the Reappointments Committee.

**iii. *Post Review Consultation.*** After passing the first review and within a month after the obligatory meeting between the Reappointments Committee and the faculty member, the dean for faculty development and research (DFDR) shall arrange a meeting with the faculty member and the department chair to discuss the development of the faculty member's career from the perspectives of both the individual and the department chair. The procedures for these interviews are set forth below.

**iv. *Appointments Following a Negative Review.*** Faculty who, having undergone review for tenure, are denied reappointment shall be offered a one-year terminal appointment, but in no case will such appointment extend beyond the academic year following the year of the review. No person who has failed a review and left the Middlebury Faculty may be considered for any appointment to the Faculty.



## f. Promotion to Tenure

**i. *Institutional Assumptions Regarding Promotion to Tenure.*** The granting of tenure, whether with or without promotion in rank, is recommended by the president to the Board of Trustees or its designated committee or subcommittee for approval. The College expects to appoint to tenure faculty who are of exceptional quality as teachers and who are scholars or artists of significant achievement as recognized by the broader academic community beyond Middlebury. Such long-term institutional commitment to an individual's career comes with the expectation of a demonstrable reciprocal commitment by the faculty member to the departmental and College curricula and to the broader life of the institution. College involvement cannot compensate for an absence of scholarly or creative achievement, but its presence must be considered as the institution assesses tenurability. Tenure reviews will be based solely on the performance of the candidate, without regard to numerical quotas.

Procedures for the review for tenure are set forth below.

**ii. *Tenure.*** Appointment as associate professor or professor, after the passing of a Review for Tenure, is normally without limit of time (to normal retirement). Faculty at these ranks are regarded by the College as having tenure. Because Middlebury is primarily a teaching institution, there is an expectation of continued dedication to and high performance in teaching, in addition to an expectation of continuing achievement in scholarship and of service to the College.

**iii. *Initial Appointment with Tenure.*** Initial appointment to the Middlebury faculty at the rank of professor or associate professor with tenure shall be made by the president after consultation with the provost and the Promotions Committee and with the approval of the Board of Trustees. The Promotions Committee shall apply the same criteria in these appointments when advising the president and provost as in those from within the College. Such appointments will be rare and made only for appointees of exceptional qualifications.

**iv. *Review for Promotion to Professor.*** Associate professors are first reviewed by the Promotions Committee at a time of their choosing, no earlier than the fifth and no later than the tenth year (eighth year for faculty tenured prior to 2011) following appointment to tenure, for possible promotion to professor. This review is regarded as an opportunity for reassessment of professional achievements, and the basis for promotion will be evidence of continued excellence in teaching, achievement in scholarship, and service to the institution. Should the faculty member not be promoted, a similar review will be conducted at intervals of the faculty member's choosing, no earlier than three and no later than five years following the unsuccessful review until the faculty member has been promoted to professor or has departed from the faculty. When initial appointment to the Middlebury faculty is at the rank of associate professor with tenure, the date of review for promotion to the rank of professor shall be determined at the time of appointment and stated in the letter of appointment.

Procedures for the promotion review are set forth below.

**v. *Ten-year review.*** In the tenth year after promotion to full professor and every ten years thereafter, each full professor will undergo a professional review by the Reappointments Committee. The review has two goals: to assess professional achievements since promotion to full professor (or since the last ten-year review) and to aid in formulating plans for further growth and development.

As a result of the review, the vice president for Academic Affairs/dean of the faculty (VPAA/DoF) may choose to recognize unusually distinguished service or consider action with respect to problems that have become apparent during the review. The VPAA/DoF will also discuss with the faculty member under review ways in which the College might help that person attain his or her goals for professional growth. Within the limits of its financial means, and in the interest of continuing faculty development, the College will attempt to offer leave opportunities to faculty members shortly after the ten-year review.

Procedures for the ten-year review are set forth below.

## 2. Review Procedures

## a. Purpose

The review procedures complement the Rules of Reappointment and Tenure by enumerating the responsibilities of all parties charged with conducting a review for reappointment, tenure, or promotion to full professor.

## b. Evaluation of Teaching

**i. Criteria.** Evaluation of teaching effectiveness includes an assessment by oneself and by one's peers, and the evaluations by students. In no case will evaluation of teaching be based solely on course response forms. Teaching should be taken in its broad sense, to include not only formal classroom work, but also the candidate's contributions to the curriculum, advising, and other teaching outside the classroom. Nonetheless, evaluation will always include observation of classroom teaching (*see Classroom Visits below*).

Criteria considered for evaluation of teaching will include:

- (a) overall quality of the learning experience provided to students;
- (b) effectiveness in promoting student thinking and learning;
- (c) quality of classroom instruction;
- (d) organization of courses;
- (e) availability and helpfulness to students;
- (f) care in evaluating student work;
- (g) ability to teach a broad range of students; and
- (h) teaching outside the classroom.

**ii. Course Response Forms.** Faculty members will receive a pdf of their course response forms via email following the end of the term and after all grades have been submitted. Faculty member's course response forms are stored electronically on a secure server with the Office of Vice President for Academic Affairs and Dean of the Faculty, where they may be consulted only by the president, the provost, the vice president for Academic Affairs and dean of the faculty, the department chair (or a faculty member designated to chair a particular review), the Reappointments Committee or Promotions Committee, and the candidate themselves. Program directors will have access to all course response forms for courses taught with an explicit program label, either as a standalone or cross-listed course. A faculty member may request the addition of personal comments or other materials with the course response forms which they believe may be useful in the interpretation of the forms. Faculty members may share their personal copies of course response forms with colleagues writing on their behalf. The VPAA and DoF cannot grant access to electronic files to anyone other than those listed above.

Faculty who have completed the equivalent of two years of full-time teaching may designate one course every two years as "CRF-optional". In these cases, those forms are filled out by students and sent to faculty, but are held separately and not uploaded to the server. The faculty member, as part of their review, may then decide whether to include the forms in their dossier held by the administration.

**iii. Classroom Visits.** In the semester preceding the term in which the review takes place, the candidate should arrange with the department chair an appropriate schedule of class visits over the two terms. The chair (or a senior member of the department designated by the chair and acceptable to the candidate) will visit at least two classes. Other colleagues may visit classes if the candidate invites them. It is the responsibility of the chair to ensure that the visits are not unnecessarily disruptive. Following classroom visits, and before the end of the term during which the visits take place, if the candidate wishes it, each visiting colleague will meet with the individual being evaluated to discuss his or her performance in the classes visited and to make suggestions for possible

improvement. Members of the Reappointments Committee or Promotions Committee, however, will not normally offer such commentaries. In all cases, which classes will be visited will be agreed on in advance by the candidate and the visitors. To designate a course CRF-optional, please contact the Dean of the Curriculum by the last day of the semester with course number, title, and term.

### **c. Evaluation of Scholarship**

A candidate's scholarship or artistic production is considered in terms of activity and of achievement.

*Scholarly activity* represents a pattern of related professional involvements, which may include: research and experimentation; writing, analyzing, creating; presentations to peers or to the public; responsible roles in professional organizations; visiting professorships; applying for and receiving outside grants and fellowships; and developing new fields of expertise.

*Scholarly achievement* is the result of that activity, primarily as evidenced in work that has been (a) performed, executed, or published (as original research communicated to specialists or as the synthesis and interpretation of scholarly material for a more general audience), and (b) recognized as being of significantly high quality by scholars and artists within the broader academic community beyond Middlebury College.

Evaluation is undertaken by colleagues and by other appropriate professionals in the candidate's field. In reviews for tenure and for full professor (not required for faculty who were awarded tenure prior to 2011), scholars from outside the College will be asked to judge the candidate's scholarship. Evaluators will be supplied with the Handbook description of the scholarly activity and achievement appropriate to the review in question and will be asked to evaluate it on that basis.

Middlebury recognizes that many faculty produce nontraditional modes of scholarship and creative work, including (but not limited to) digital, collaborative, interdisciplinary, and/or public-facing formats and modes. Scholarly activity and achievement is to be measured on a project's own terms, rather than adhering to standards that may have once been assumed to be uniform for any given field. Regardless of its format or mode, all scholarship and creative work will be evaluated through evidence of its contribution to and impact on its field(s) and communities; as applicable, such evidence includes its documented peer review process, its ongoing public reception and recognition, its creativity and insight, and/or its innovations in scholarly content, methodology, form, or medium. A candidate's dossier should iterate the goals of scholarly and creative works, and explain the relevant criteria for evaluating their impact and achievement; if there are published guidelines for evaluating digital, public, or other nontraditional scholarship within a candidate's scholarly or artistic community, or professional organizations or journals, it is useful and appropriate to include these sources within the dossier.

Middlebury will commit to seeking out internal and external evaluators poised to assess nontraditional scholarship, and ensure that all such assessment is made of works in their native formats, if at all possible, including digital forms. Departments and programs will evaluate interdisciplinary work in light of appropriate norms, striving to understand other disciplines' customs on co-authorship and collaboration, rhetorical style, and the relative weight of various venues of publication and presentation. For collaborative work, evaluators will distinguish and assess the candidate's specific intellectual and/or creative contributions, as specified by the dossier.

### **d. Evaluation of Service**

Institutional service becomes a criterion for evaluation along with teaching and scholarship at the tenure review and at the review for promotion to professor. It may be as diverse in form as is the faculty itself. Information regarding such service will be solicited from the candidates, from their departments, from their programs (when relevant), and through collegial letters for assessment by the Reappointments Committee or the Promotions Committee.

College service cannot compensate for an absence of achievement in teaching and scholarly or creative production. Nevertheless, the College recognizes that on occasion it must call upon an untenured faculty member to undertake a particularly demanding institutional role that may impede scholarly progress. At the time of such an appointment, the untenured faculty member may request that the VPAA/DoF, in consultation with the Promotions Committee, give written permission for a one-year postponement of the tenure review to permit additional time for scholarly achievement.

#### **e. Departmental Evaluation**

The department letter is written by the chair. This letter will state the chair's judgment concerning the candidate's fitness for reappointment, tenure, or promotion and the reasons for it. In preparing this recommendation, the chair will conduct two or more classroom visits for reappointment and tenure reviews, one or more visits for post-tenure reviews, review the candidate's course response forms and other materials submitted to the Reappointments Committee or the Promotions Committee for review, as well as the written recommendations of the tenured members of the department or of full professors when the review is for promotion to professor. The chair also will present, in the departmental letter, an accurate summary of the views, without attribution, of the senior members of the department.

#### **f. Program Director's Evaluation**

A program director will submit a letter of programmatic evaluation in faculty reviews if and only if (i) programmatic involvement is explicitly stated in the letter of appointment; or (ii) the faculty member under review requests that the VPAA/DoF solicit a letter from the appropriate program director. This letter will state the director's judgment concerning the candidate's fitness for reappointment, tenure, or promotion and the reasons for it. The VPAA/DoF will solicit letters from at least two other senior members of the program, whom the program director selects in consultation with the candidate under review. The program director will provide the faculty member under review the names of these senior members. These letters will go to the program director and to the Reappointments Committee or the Promotions Committee. In preparing the program letter, the director will review the candidate's vita; syllabi from relevant courses; an example of scholarly work; when the candidate has taught a course with an explicit program label, the course response forms from those courses; and, when relevant, the written recommendations of the solicited program members. The director will also present, in the programmatic letter, an accurate summary of the views, without attribution, of any senior members of the program who have been solicited to write letters. In cases where a program is based entirely within a department, the program director will write an individual letter that will go to the department chair and to the Reappointments Committee or the Promotions Committee. The department chair will summarize the views of the program director in the departmental letter. In such instances, the program director's letter will not be made available to the candidate.

#### **g. Confidentiality and Access**

Letters from students and alumni are always confidential. Letters from outside evaluators are always confidential. Letters from colleagues at Middlebury are made available to candidates only in the event of a decision to deny reappointment. Restricting access is meant to ensure frank and honest assessments of the candidates. The letters should be accurate in matters of fact upon which judgments are based. The departmental letter (i.e., the letter written by a chair that summarizes, without attribution, the views of tenured colleagues) will be made available to the candidate at the time when it is submitted to the Reappointments Committee or the Promotions Committee. If a program letter is written, it will also be made available to the candidate at the time when it is submitted to the Reappointments Committee or the Promotions Committee. Any response to the departmental or programmatic letter that the candidate wishes to submit to the Reappointments Committee or the Promotions Committee must be submitted to the Reappointments Committee or the Promotions Committee and made available to the department chair or program director within two weeks of the receipt of the chair's or director's letter. Any further letters of response, either from the chair, the director, or the candidate, will be held in confidence by the Reappointments Committee or the Promotions Committee.

The VPAA/DoF, the president, the provost, and members of the Reappointments Committee or the Promotions Committee will have access to all materials submitted in connection with a review. The department chair will have access to letters from other senior members of the department and to the candidate's vita, publications, and course response forms. The program director will have access to solicited letters from other senior members of the program and to the candidate's vita, relevant syllabi, an example of scholarship, and, when the candidate has taught a course with an explicit program label, course response forms from those courses.

### 3. Procedures and Responsibilities

#### *a. First Review*

The first review examines a faculty member's performance for evidence of accomplishment in teaching, of scholarly or creative activity, and of promise of outstanding teaching and scholarly or artistic achievement of significant quality. The evaluation of scholarship includes the assessment of the candidate, members of the candidate's department, and other faculty colleagues. The composition and long-term needs of the department and the faculty are also considered in this review.

##### *i. The Candidate*

(a) Candidates are expected to have completed the requirements for the terminal degree. Failure to complete the terminal degree (normally the Ph.D.) by the time of the first review creates the presumption that the criterion of scholarly activity has not been satisfied. This presumption can be rebutted only by strong evidence (1) that the required written or artistic work is completed, but not yet defended, or (2) that there is other scholarly achievement of exceptionally high quality.

(b) To arrange with the chair, or the chair's designate, an appropriate schedule of classroom visits.

(c) If the candidate so desires, to invite other colleagues to visit classes.

(d) To submit to the department chair and to the Reappointments Committee in a timely manner a complete vita, course syllabi, and other materials requested, as well as materials that the candidate thinks pertinent. For example, a faculty member may request the inclusion of personal comments or other materials with the course response forms which they believe may be useful in the interpretation of the forms. To submit to the program director, when relevant, a complete vita, syllabi from relevant courses, and an example of scholarly work.

(e) To submit to the Reappointments Committee scholarly publications, a dissertation, and/or other appropriate evidence of scholarship or artistic activity.

(f) To arrange with members of the Reappointments Committee an appropriate schedule of classroom visits.

(g) To prepare a self-evaluation that concentrates on teaching performance and scholarly activity with reference to the criteria listed in 2.b. and 2.c. above. The evaluation of scholarly activity should project a program leading to a level of scholarly achievement suitable for tenure. The letter may include identification of any factors that have hindered progress.

##### *ii. Reappointments Committee*

(a) To meet with the candidates for the first review, in a group or individually, to explain to them the procedures; and to invite the candidates to submit, either orally or in writing, any additional information that may be pertinent to their reviews. A candidate's decision not to submit such materials is in no way prejudicial to reappointment.

(b) To have one of its members serve as a liaison to the faculty member during the review and to meet with the faculty member early in the term of the review, and later during that term if necessary or if requested by the candidate to explain the procedures for the review, answer any questions, and receive additional information the

candidate considers pertinent to the review; the liaison will report on all conversations and relay all information to the full Reappointments Committee. If the candidate requests as such, the liaison will arrange a meeting between the candidate and the full Reappointments Committee.

(c) To arrange with the candidate an appropriate schedule of classroom visits. At least two members should each visit at least two of the candidate's classes, or one class and one public lecture. Additional classroom visits may be scheduled as deemed necessary by the committee. (Commentary on teaching will not be offered by members of the Reappointments Committee.)

(d) To interview or to request information from other members of the College community, alumni, and persons off campus, as it deems necessary.

(e) To request letters of recommendation from current students and from recent graduates who have taken at least one course from the person under review. The Reappointments Committee will request letters from at least three students and at least three alumni in all reviews. Students may be asked to comment specifically on the particular criteria for teaching listed under Evaluation of Teaching, above.

(f) To request a letter from the department chair evaluating the candidate's scholarly activity, promise of achievement, and teaching, and assessing the candidate's role in the long-term patterns of the department.

(g) To request a letter from the program director, when relevant, evaluating the candidate's scholarly activity, promise of achievement, and teaching, and assessing the candidate's role in the long-term patterns of the program.

(h) To request letters of evaluation from other tenured members of the candidate's department, and, when appropriate, to invite comments from tenured colleagues in other departments.

(i) To review the scholarly materials submitted by the candidate; to read and consider such opinions of it as may be pertinent, such as reviews or reports of readers.

(j) To examine all the materials submitted to the committee in the case, and all other materials that may be pertinent to the review, including letters from other colleagues at Middlebury, letters from students and alumni, and others.

(k) To read and consider the course response forms.

(l) To keep written records of all interviews.

(m) In any case where the committee determines that a departmental recommendation requires further clarification, or when the Reappointments Committee is inclined to reject the departmental recommendation, to interview the department chair, and, if the Reappointments Committee so chooses, any other tenured member or members of the department/program the Reappointments Committee deems appropriate; in either or each instance to place a written summary of the meeting(s) in the candidate's file.

(n) To convey to the provost the committee's conclusions about the constituent considerations of the review, a final recommendation and the reasons for it. To record its final recommendation and make it a part of the review file.

(o) In the case that the Reappointments Committee does not recommend reappointment, to explain to the provost the reasons for doing so, and to include this document in the review file.

(p) To hear and respond to any conclusions of the provost that may differ from their own. To review with the provost those materials that pertain directly to any area of disagreement.

(q) To meet with the candidate within four weeks of the completion of a successful review to provide an assessment of the candidate's performance, to summarize the information on which the Reappointments

Committee based its decision, and to provide the candidate and the chairperson of the candidate's department with a written summary of the meeting prepared by the VPAA/DoF. In this meeting, the committee should interpret the views of others without revealing their names. All summaries of reappointment review meetings will begin with the following paragraph: "The following summary of a meeting between (the candidate) and the Reappointments Committee is made available to the candidate, who has successfully passed a review for reappointment at Middlebury College, and to the candidate's department chair, solely for the purpose of providing a record of the meeting held to discuss the review just completed. Nothing stated in the summary, or in the course of the review, carries with it any presumption about the outcome of any subsequent review. Similarly, the findings and recommendations of the Reappointments Committee at this review are not determinative of any assessment of the candidate's professional development at a later review. At all reviews, the Reappointments Committee or Promotions Committee makes an independent determination governed only by the standards for reappointment, promotion, and tenure as then published in the College's Rules of Appointment and Tenure, with which faculty members are expected to be familiar."

(r) In the case of unsuccessful review, to offer to meet with the candidate for the same purpose.

*iii. Vice President for Academic Affairs and Dean of the Faculty (VPAA/DoF)*

(a) To initiate the review, in a timely fashion, so that all necessary information and documentation may be obtained from the candidate and other sources.

(b) To solicit information, on behalf of the Reappointments Committee, from candidates under review; to gather information from other sources when so requested by the Reappointments Committee.

(c) To maintain the candidates' review files, including course response forms.

(d) To serve as recording secretary of the Reappointments Committee.

(e) To provide counsel to the Reappointments Committee during the course of its deliberations.

(f) To provide counsel to the provost when the Reappointments Committee's deliberations are completed.

(g) In the case that the Reappointments Committee does not recommend reappointment, to prepare a written summary explaining to the provost the committee's reasons for doing so, and to include this document in the review file.

*iv. Dean for Faculty Development and Research (DFDR)*

(a) In the case of a review of a department chair or program director, to assume the role of chair or director for that review.

*v. Department Chair*

(a) To arrange with the candidate an appropriate schedule of classroom visits by the chair or chair's designate, and to ensure that the number of visits by other colleagues does not unnecessarily disrupt the candidate's courses.

(b) To provide the Reappointments Committee with lists of at least six current students and six recent graduates who have taken at least one course from the candidate.

(c) To review the candidate's course response forms available online through the Office of the Vice President for Academic Affairs and Dean of the Faculty.

(d) To meet with the candidate to discuss the contents of the departmental evaluation.

(e) To submit a letter to the Reappointments Committee containing the departmental evaluation according to section 2.e. The focus of the departmental evaluation shall be upon teaching, scholarship, contribution to the

departmental program, and promise as a teacher and scholar. This letter will be shared with the tenured members of the department and the candidate undergoing the review.

(f) To write a letter to the Reappointments Committee, giving a personal recommendation, as a tenured member of the department, regarding the candidate.

*vi. Tenured Department Faculty Members*

(a) To submit a letter of recommendation, when requested, to the Reappointments Committee, with a copy to the department chair, that speaks to those aspects of a candidate's work with which he or she is familiar. Tenured faculty are expected to provide a letter upon request of the Committee, whether on academic leave or not.

(b) Upon the invitation of a candidate, to observe a class or classes and to meet with the candidate to discuss his or her performance in the class, with suggestions for possible improvement. Such meetings will be held before the end of the term during which the visits take place.

*vii. Program Director*

(a) To submit a letter to the Reappointments Committee containing the programmatic evaluation according to section 2.f. The focus of the programmatic evaluation shall be upon teaching, scholarship, contribution to the program, and promise as a teacher and scholar. This letter will be shared with the tenured program members who have been solicited by the VPAA/DoF to write letters and the candidate undergoing the review.

*viii. Provost*

(a) To review all items in the candidate's review file. (This includes letters related to the case received during the period of review from faculty, students, alumni, and others. The provost normally does not review all course response forms and scholarly publications.)

(b) To hear reports from the Reappointments Committee on the substance of its conclusions about each constituent part of the case and about the case as a whole.

(c) To consult with the VPAA/DoF about the individual cases.

(d) To challenge any conclusion of the Reappointments Committee with which he or she disagrees and give the Reappointments Committee an opportunity to respond.

(e) In the case of a reversal of the committee's recommendation, to explain to the committee the reasons for doing so, reasons which in a written summary become part of the review file.

(f) To make the final decision and to notify the candidate in a letter that indicates the recommendation of the Reappointments Committee.

**b. Post-Review Consultation**

*i. Candidate's Responsibilities*

(a) To meet with the department chair and the dean for faculty development and research to discuss progress in scholarship and teaching.

*ii. Dean for Faculty Development and Research (DFDR)*

(a) To arrange a meeting with the candidate and the department chair to discuss the candidate's progress in teaching and scholarship.

*iii. Department Chair*



(a) To discuss with the candidate his or her progress in teaching and scholarship from the perspective of the department, with reference to the VPAA/DoF's summary of the post-review meeting between the candidate and the Reappointments Committee.

### **c. Review for Tenure**

The review for tenure examines a faculty member for evidence of exceptional quality in teaching, and of significant scholarship or artistic achievement recognized as such by scholars and artists beyond Middlebury College. The evaluation of scholarship includes the assessment by the candidate, members of the candidate's department, members of the candidate's program (when relevant), other faculty colleagues, and appropriate professionals in the field outside Middlebury. Beyond teaching and scholarship, the service roles played by the individual faculty member will be examined.

The long-term institutional commitment to an individual's career that is made with the granting of tenure comes with the expectation of a demonstrable reciprocal commitment on the part of the faculty member to the departmental and College curricula and to the broader life of the institution.

#### *i. The Candidate*

(a) To arrange with the chair, or the chair's designate, an appropriate schedule of classroom visits.

(b) If the candidate so desires, to invite other colleagues to visit classes.

(c) To submit to the department chair and tenured colleagues, and to the Promotions Committee in a timely manner a complete vita, course syllabi, and other materials requested, as well as materials that the candidate thinks pertinent. For example, a faculty member may request the inclusion of personal comments or other materials with the course response forms which they believe may be useful in the interpretation of the forms. To submit to the program director, when relevant, a complete vita, syllabi from relevant courses, and an example of scholarly work.

(d) To submit to the Promotions Committee, department chair and tenured colleagues, and program director (when relevant) scholarly publications, and/or other appropriate evidence of scholarship or artistic achievement.

(e) To arrange with members of the Promotions Committee an appropriate schedule of classroom visits.

(f) To prepare a self-evaluation that concentrates on teaching performance, scholarly achievement, and service to the College community with reference to the criteria listed in 2.b., 2.c., and 2.d. above. The letter may include identification of any factors that have hindered progress.

(g) To furnish the Promotions Committee with a list of scholars or artists outside Middlebury who would be appropriate to evaluate the candidate's professional achievements.

#### *ii. Promotions Committee*

(a) To meet with the candidates for tenure review, in a group or individually, to explain to them the procedures; and to invite the candidates to submit, either orally or in writing, any additional information that may be pertinent to their reviews. A candidate's decision not to submit such materials is in no way prejudicial to promotion.

(b) To have one of its members serve as a liaison to the faculty member during the review and to meet with the faculty member early in the term of the review, and later during that term if necessary or if requested by the candidate to explain the procedures for the review, answer any questions, and receive additional information the candidate considers pertinent to the review; the liaison will report on all conversations and relay all information to the full Promotions Committee. If the candidate requests as such, the liaison will arrange a meeting between the candidate and the full Promotions Committee.

- (c) To arrange with the candidate an appropriate schedule of classroom visits. At least two members should each visit at least two of the candidate's classes, or one class and one public lecture. Additional classroom visits may be scheduled as deemed necessary by the committee. (Commentary on teaching will not be offered by members of the Promotions Committee.)
- (d) To interview or to request information from other members of the College community, alumni, and persons off campus, as it deems necessary.
- (e) To request letters of recommendation from current students and from recent graduates who have taken at least one course from the person under review. The Promotions Committee will request letters from at least three students and at least three alumni in all reviews. Students may be asked to comment specifically on the particular criteria for teaching listed under Evaluation of Teaching, above.
- (f) To request a letter from the department chair evaluating the candidate's scholarly achievement, teaching, and service to the department.
- (g) To request a letter from the program director, when relevant, evaluating the candidate's scholarly achievement, teaching, and service to the program.
- (h) To request letters of evaluation from other tenured members of the candidate's department, and, when appropriate, to invite comments from tenured colleagues in other departments.
- (i) To solicit from scholars outside the College an evaluation of the candidate's scholarship or artistic production.
- (j) To review the scholarly materials submitted by the candidate; to read and consider such opinions of it as may be pertinent, such as reviews or reports of readers.
- (k) To examine all the materials submitted to the committee in the case, and all other materials that may be pertinent to the review, including letters from other colleagues at Middlebury, letters from students and alumni, and appropriate professionals outside Middlebury.
- (l) To read and consider the course response forms.
- (m) To keep written records of all interviews.
- (n) In any case where the committee determines that a departmental recommendation requires further clarification, or when the Promotions Committee is inclined to reject the departmental recommendation, to interview the department chair, and, if the Promotions Committee so chooses, any other tenured member or members of the department or program the Promotions Committee deems appropriate; in either or each instance to place a written summary of the meeting(s) in the candidate's file.
- (o) To convey to the president and the provost the committee's conclusions about the constituent considerations of the review, a final recommendation and the reasons for it. To record its final recommendation and make it part of the review file.
- (p) In the case that the Promotions Committee does not recommend reappointment and promotion, to explain to the president and provost the reasons for doing so, records its recommendation, and to include this document in the review file.
- (q) To hear and respond to any conclusions of the president and provost that may differ from their own. To review with the president and the provost those materials that pertain directly to any area of disagreement.
- (r) To meet with the candidate within four weeks of the completion of a successful review to provide an assessment of the candidate's performance, to summarize the information on which the Promotions Committee based its decision, and to provide the candidate and the chairperson of the candidate's department with a written summary of the meeting prepared by the VPAA/DoF. In this meeting, the committee should interpret the views

of others without revealing their names. All summaries of promotion review meetings will begin with the following paragraph: "The following summary of a meeting between (the candidate) and the Promotions Committee is made available to the candidate, who has successfully passed a review for tenure at Middlebury College, and to the candidate's department chair, solely for the purpose of providing a record of the meeting held to discuss the review just completed. Nothing stated in the summary, or in the course of the review, carries with it any presumption about the outcome of any subsequent review. Similarly, the findings and recommendations of the Promotions Committee at this review are not determinative of any assessment of the candidate's professional development at a later review. At all reviews, the Reappointments Committee or Promotions Committee makes an independent determination governed only by the standards for reappointment, promotion, and tenure as then published in the College's Rules of Appointment and Tenure, with which faculty members are expected to be familiar."

(s) In the case of unsuccessful review, to offer to meet with the candidate for the same purpose.

(t) At the time of the tenure review, the Promotions Committee does not consider the long-term staffing needs of the department and the faculty.

*iii. Vice President for Academic Affairs and Dean of the Faculty (VPAA/DoF)*

(a) To initiate the review, in a timely fashion, so that all necessary information and documentation may be obtained from the candidate and other sources.

(b) To solicit information, on behalf of the Promotions Committee, from candidates under review; to gather information from other sources when so requested by the Promotions Committee.

(c) To maintain the candidates' review files, including course response forms.

(d) To serve as recording secretary of the Promotions Committee.

(e) To provide counsel to the Promotions Committee during the course of its deliberations.

(f) To provide counsel to the president and the provost when the Promotions Committee's deliberations are completed.

(g) In the case that the Promotions Committee does not recommend reappointment and promotion, to prepare a written summary explaining to the president and the provost the committee's reasons for doing so, and to include this document in the review file.

(h) To ensure that the candidate knows the identity of all scholars outside the College from whom the Promotions Committee seeks an evaluation of the candidate's scholarship.

(i) To prepare a brief written summary of the views of the outside evaluators, without attribution, to be reviewed by the Promotions Committee in advance of a final recommendation of the Committee to the President.

*iv. Dean for Faculty Development and Research (DFDR)*

(a) If the chair or director is untenured, to assume the responsibility of the department chair or program director for the review.

*v. Department Chair*

(a) To arrange with the candidate an appropriate schedule of classroom visits by the chair or chair's designate, and to ensure that the number of visits by other colleagues does not unnecessarily disrupt the candidate's courses.

(b) To provide the Promotions Committee with lists of at least six current students and six recent graduates who have taken at least one course from the candidate.

(c) To review the candidate's course response forms available electronically through the Office of the Vice President for Academic Affairs and Dean of the Faculty.

(d) To meet with the candidate to discuss the contents of the departmental evaluation.

(e) To submit a letter to the Promotions Committee containing the departmental evaluation according to section 2.e. above. The focus of the departmental evaluation shall be upon the candidate's teaching, scholarly achievement, and service to the department. This letter should not speak to the composition and long-term needs of the department and faculty. The letter is shared with the tenured members of the department and the candidate undergoing the review.

(f) To write a letter to the Promotions Committee, giving a personal recommendation, as a tenured member of the department, regarding the candidate.

#### *vi. Tenured Department Faculty Members*

(a) To submit a letter of recommendation, when requested, to the Promotions Committee, with a copy to the department chair, that speaks to those aspects of a candidate's work with which he or she is familiar. Tenured faculty are expected to provide a letter upon request of the Committee, whether on academic leave or not.

(b) Upon the invitation of a candidate, to observe a class or classes and to meet with the candidate to discuss his or her performance in the class, with suggestions for possible improvement. Such meetings will be held before the end of the term during which the visits take place.

#### *vii. Program Director*

(a) To submit a letter to the Promotions Committee containing the programmatic evaluation according to section 2.f. above. The focus of the programmatic evaluation shall be upon the candidate's teaching, scholarly achievement, and service to the program. This letter should not speak to the composition and long-term needs of the program and faculty. This letter will be shared with any tenured program members who have been solicited by the VPAA/DoF to write letters and with the candidate undergoing the review.

#### *viii. President and Provost*

(a) To interview all candidates for tenure.

(b) To review all items in the candidate's tenure file. (This includes letters related to the case received during the period of review from faculty, students, alumni, outside referees, and others. The president and provost normally do not review all course response forms and scholarly publications.)

(c) To hear reports from the Promotions Committee on the substance of its conclusions about each constituent part of the case and about the case as a whole.

(d) To challenge any conclusion of the Promotions Committee with which he or she disagrees and give the Promotions Committee an opportunity to respond.

(e) To consult with the VPAA/DoF about individual cases.

#### *ix. President*

(a) In the case of the prospect that the president will not accept the Promotions Committee's recommendation, to offer the committee, prior to making a final decision, an explanation of the reason why he or she is disposed to overrule it.

(b) In the case of a reversal of the Promotions Committee's recommendations, to explain to the committee the reasons for doing so, reasons which in a written summary become part of the review file; to invite the committee

to prepare a written report explaining in detail the reasons for its recommendation; and to present this report to the trustees in an appropriate and timely fashion.

(c) To determine, after completing the steps listed above, whether a recommendation for tenure is to be advanced to the Board of Trustees, and to do so, if tenure is to be recommended.

(d) To notify the candidate of the final disposition of the case.

#### **d. Review for Promotion to Professor<sup>2</sup>**

This review, which normally takes place no earlier than the fifth and no later than the tenth year (eighth year for faculty who were awarded tenure prior to 2011) following appointment to tenure, considers whether a candidate should be promoted to full professor and looks at continued excellence in teaching, achievement in scholarship, and service to the institution.

##### *i. The Candidate*

(a) To arrange with the department chair, or chair's designate, an appropriate schedule of classroom visits.

(b) If the candidate so desires, to invite other colleagues to visit classes.

(c) To submit to the department chair and to the Promotions Committee in a timely manner a complete vita, course syllabi, and other materials requested, as well as materials that the candidate thinks pertinent. For example, a faculty member may request the inclusion of personal comments or other materials with the course response forms which they believe may be useful in the interpretation of the forms. To submit to the program director, when relevant, a complete vita, syllabi from relevant courses, and an example of scholarly work.

(d) To submit to the Promotions Committee scholarly publications, and/or other appropriate evidence of scholarship or artistic achievement

(e) To arrange with members of the Promotions Committee an appropriate schedule of classroom visits.

(f) To write a self-evaluation that assesses the individual's career at Middlebury since promotion to tenure. The report should include an updated curriculum vitae, a schedule of courses taught since the previous review, and the faculty member's assessment of his or her research, teaching, publications and/or artistic performances, and service to the College. It should also contain a proposal for future professional development. The self-evaluation should be accompanied by pertinent publications, reviews of publications, and/or records and reviews of artistic performances, and it may, in addition, include letters of testimony from department chairs, program directors, colleagues, and/or outside professionals in the field.

(g) To furnish the Promotions Committee with a list of scholars or artists outside Middlebury who would be appropriate to evaluate the candidate's professional achievements. (This is not required for faculty who were awarded tenure prior to 2011.)

##### *ii. Promotions Committee*

(a) To have one of its members serve as a liaison to the faculty member during the review and to meet with the faculty member early in the term of the review, and later during that term if necessary or if requested by the candidate to explain the procedures for the review, answer any questions, and receive additional information the candidate considers pertinent to the review; the liaison will report on all conversations and relay full information to the full Promotions Committee. If the candidate requests as such, the liaison will arrange a meeting between the candidate and the full Promotions Committee.

(b) To review the teaching program, scholarly work, and administrative and other College service during the period since the granting of tenure.

- (c) To examine the candidate's course response forms, publications, and other material submitted for the review.
- (d) To have one or more of its members visit the candidate's classes.
- (e) To solicit the recommendation of the candidate's department.
- (f) To solicit, when relevant, the recommendation of the candidate's program.
- (g) To solicit, as it deems appropriate, the opinions of students or recent alumni.
- (h) To solicit from scholars outside the College an evaluation of the candidate's scholarship or artistic production.
- (i) To recommend to the president and provost whether or not the candidate should be promoted.

*iii. Vice President for Academic Affairs and Dean of the Faculty (VPAA/DoF)*

- (a) To collect and make available material requested by the Promotions Committee.
- (b) To be available for consultation by the Promotions Committee, the president, and the provost.
- (c) To ensure that the candidate knows the identity of all those scholars outside the College from whom the Promotions Committee seeks an evaluation of the candidate's scholarship.

*iv. Department Chair*

- (a) To recommend, after reviewing the candidate's course response forms, making a classroom visit or visits, and reviewing the written recommendations of departmental colleagues who are full professors, whether or not the candidate should be promoted on grounds of continued excellence in teaching, achievement in scholarship, and service to the institution.

*v. Program Director*

- (a) When relevant, to recommend, after consultation with programmatic colleagues who are full professors, and after classroom visit(s), whether or not the candidate should be promoted on grounds of continued excellence in teaching, achievement in scholarship, and service to the institution.

*vi. Dean for Faculty Development and Research (DFDR)*

- (a) In the case of a review of a department chair or program director, to assume the role of chair or director for that review.

*vii. Department Faculty Members who Hold the Rank of Professor*

- (a) To submit a letter of recommendation, when requested, to the Promotions Committee, with a copy to the department chair, that speaks to those aspects of a candidate's work with which he or she is familiar. Tenured faculty are expected to provide a letter upon request of the Committee, whether on academic leave or not.
- (b) Upon the invitation of a candidate, to observe a class or classes and to meet with the candidate to discuss his or her performance in the class, with suggestions for possible improvement. Such meetings will be held before the end of the term during which the visits take place.

*viii. President and Provost*

- (a) To become familiar with the candidate's case.
- (b) To consult with the Promotions Committee and to discuss with the committee its recommendation.

*ix. President*

- (a) To make the final decision and to notify the candidate.

**e. Ten-Year Review**

The ten-year review assesses professional achievements and service to the College and its curriculum since promotion to full professor, or since the last ten-year review, and seeks to aid in formulating plans for further growth and development.

*i. The Candidate*

- (a) To write a self-evaluation that assesses the individual's career at Middlebury since promotion to full professor or since the last ten-year review. The report should include an updated curriculum vitae, a schedule of courses taught since the previous review, and the faculty member's assessment of his or her research, teaching, publications, and/or artistic performances, and service to the College. It should also contain a proposal for future professional development. The self-evaluation should be accompanied by pertinent publications, reviews of publications, and/or records and reviews of artistic performances, and it may, in addition, include letters of testimony from department chairs, program directors, colleagues, and/or outside professionals in the field.

*ii. Reappointments Committee*

- (a) To have one of its members meet with the candidate to discuss the candidate's report and any supporting material presented.
- (b) To visit classes or to view videotapes of classroom performance if the Reappointments Committee considers it appropriate or should the candidate so request.
- (c) To solicit, as it deems appropriate, the opinions of students or recent alumni.
- (d) To consult course response forms.
- (e) To consult, as it deems appropriate, the department chair, program director, or other senior colleagues.
- (f) To draft a letter expressing its conclusions from the review. This letter will be sent first to the faculty member who may choose to respond to the Reappointments Committee's letter in writing and/or to request a meeting with the committee. The Reappointments Committee will then submit to the provost and the VPAA/DoF copies of the revised letter and any written response from the faculty member.

*iii. Vice President for Academic Affairs and Dean of the Faculty (VPAA/DoF)*

- (a) To meet with the Reappointments Committee when requested.
- (b) As appropriate, to recognize unusually distinguished service, or to consider action with respect to problems that have become apparent during the review.
- (c) To discuss, as appropriate, with the faculty member under review ways in which the College might help that person attain his or her goals for professional growth.

**f. Contract Reviews**

A contract review concentrates on promise and performance as a teacher and, in the case of Special Appointment faculty undergoing a review for promotion to Associate Professor (without tenure) or Associate Laboratory Professor, on service and scholarship and/or pedagogical innovation. Among the information considered by the Reappointments Committee, the departmental or programmatic evaluation will be accorded the greatest weight;

however, the Reappointments Committee will also review course materials, and course response forms, and will consider the composition and long-term needs of the department or program and the faculty in arriving at its final recommendation. In the case of Special Appointment faculty undergoing a review for promotion to Associate Professor (without tenure) or Associate Laboratory Professor, the Reappointments Committee will also examine evidence for scholarship and/or pedagogical innovation. The review will follow the procedures in 3.f.i. through 3.f.vii. below.

When a candidate on a term appointment may be renewed, and the Educational Affairs Committee has authorized a continuation of the position held, the candidates' performance in teaching, as the teaching responsibilities are defined by the position held, will be reviewed. The review will follow the procedures in 3.f.i. through 3.f.vii. below, except that expectations for performance in teaching will rise as the candidate becomes more senior in service.

Special Appointment faculty holding positions of 0.5 FTE or greater who have had two successful Contract Reviews may request that a subsequent review include consideration of promotion to Associate Professor (without tenure) or Associate Laboratory Professor, as appropriate. In that case, the Reappointments Committee will also consider service to the institution and scholarship and/or pedagogical innovation as a component of the review. Excellence in teaching will remain the sole criterion for reappointment, but candidates who have completed significant service to the institution, as defined in subsection 2.d. and who have established a clear record of significant scholarly activity and/or pedagogical innovation may be recommended for promotion to Associate Professor (without tenure) or Associate Laboratory Professor. In the event that the record of scholarly activity and/or pedagogical innovation is not deemed adequate for promotion, but the record of teaching excellence is deemed appropriate for reappointment, the faculty member will be reappointed as Assistant Professor (non-tenure-track) or Assistant Laboratory Professor.

A candidate on visiting appointment with a title normally associated with a regular appointment (e.g., Visiting Assistant Professor) may be renewed, but only up to a maximum of three years in that position. After that point, at the time of renewal the position will be converted to the appropriate level Special Appointment (e.g., Associate Professor, non-tenure-track).

### *i. The Candidate*

(a) To arrange with the chair or director, or the chair's or director's designate, an appropriate schedule of classroom visits.

(b) If the candidate so desires, to invite other colleagues to visit classes.

(c) To submit to the department chair and to the Promotions Committee in a timely manner a complete vita, course syllabi, and other materials requested, as well as materials that the candidate thinks pertinent. For example, a faculty member may request the inclusion of personal comments or other materials with the course response forms which they believe may be useful in the interpretation of the forms. To submit to the program director, when relevant, a complete vita, syllabi from relevant courses, and, and example of scholarly work.

(d) To prepare and submit to the Reappointments Committee a self-evaluation, concentrating particularly on teaching with reference to the criteria listed in 2.b. above. For reviews of faculty appointed as Associate Professor (without tenure) or Associate Laboratory Professor or those reviews associated with a request to be appointed as Associate Professor (without tenure) or Associate Laboratory Professor, the self-evaluation should also address the candidate's activity in scholarship, and/or pedagogical innovation.

### *ii. Reappointments Committee*

(a) To meet with the candidates undergoing contract reviews, in a group or individually, to explain to them the procedures and to invite the candidates to submit, either orally or in writing, any additional information that may be pertinent to their reviews. A candidate's decision not to submit such materials is in no way prejudicial to reappointment.



- (b) To have one of its members serve as a liaison to the faculty member during the review and to meet with the faculty member early in the term of the review, and later during that term if necessary or if requested by the candidate to explain the procedures for the review, answer any questions, and receive additional information the candidate considers pertinent to the review; the liaison will report on all conversations and relay full information to the full Reappointments Committee. If the candidate requests as such, the liaison will arrange a meeting between the candidate and the full Reappointments Committee.
- (c) To interview or to request information from other members of the College community, alumni, and persons off campus, as it deems necessary.
- (d) To examine all the materials submitted to the committee in the case, and all other materials that may be pertinent to the review, including letters from other colleagues at Middlebury, and letters from students, alumni, or appropriate professionals outside Middlebury.
- (e) To read and consider the course response forms.
- (f) To make visits to a candidate's classes or public lectures or performances if the committee deems it appropriate to do so, and in the case of classroom visits, to make arrangements in advance. (Commentary on teaching will not be offered by members of the Reappointments Committee if visits are made.)
- (g) To keep written records of all interviews.
- (h) In any case where the committee determines that a departmental or programmatic recommendation requires further clarification, or when the Reappointments Committee is inclined to reject the departmental or programmatic recommendation, to interview the department chair or program director, and, if the Reappointments Committee so chooses, any other tenured member or members of the department or program the Reappointments Committee deems appropriate; in either or each instance to place a written summary of the meeting(s) in the candidate's file.
- (i) To convey to the provost the committee's conclusions about the constituent considerations of the review, a final recommendation and the reasons for it. To record its final recommendation and make it a part of the review file. In the case of reviews associated with a request to be appointed as Associate Professor (without tenure) or Associate Laboratory Professor, the committee will make recommendations about both the renewal and the appointment as Associate Professor (without tenure) or Associate Laboratory Professor. A candidate for review who has met the teaching criteria for reappointment but has not demonstrated significant scholarly activity and/or pedagogical innovation will be reappointed as Assistant Professor (non-tenure-track) or Assistant Laboratory Professor.
- (j) In the case that the Reappointments Committee does not recommend contract renewal, to explain to the provost the reasons for doing so, to prepare a written summary explaining these reasons, and to include this document in the review file.
- (k) To hear and respond to any conclusions of the provost that may differ from their own. To review with the provost those materials that pertain directly to any area of disagreement.
- (l) To meet with the candidate, or authorize the VPAA/DoF to meet on their behalf, within four weeks of the completion of a successful review to provide an assessment of the candidate's performance, to summarize the information on which the Reappointments Committee based its decision, and to provide the candidate and the chairperson of the candidate's department or director of the candidate's program with a written summary of the meeting prepared by the VPAA/DoF. In this meeting, the committee should interpret the views of others without revealing their names. All summaries of reappointment review meetings will begin with the following paragraph: "The following summary of a meeting between (the candidate) and the Reappointments Committee is made available to the candidate, who has successfully passed a review for reappointment at Middlebury College, and to the candidate's department chair or program director, solely for the purpose of providing a record of the meeting held to discuss the review just completed. Nothing stated in the summary, or in the course of the review,

carries with it any presumption about the outcome of any subsequent review. Similarly, the findings and recommendations of the Reappointments Committee at this review are not determinative of any assessment of the candidate's professional development at a later review. At all reviews, the Reappointments Committee or the Promotions Committee makes an independent determination governed only by the standards for reappointment, promotion, and tenure as then published in the College's Rules of Appointment and Tenure, with which faculty members are expected to be familiar."

(m) In the case of unsuccessful review, to offer to meet with the candidate for the same purpose.

iii. *Vice President for Academic Affairs and Dean of the Faculty (VPAA/DoF)*

(a) To initiate the review, in a timely fashion, so that all necessary information and documentation may be obtained from the candidate and other sources.

(b) To solicit information, on behalf of the Reappointments Committee, from candidates under review; to gather information from other sources when so requested by the Reappointments Committee.

(c) To maintain the candidates' review files, including course response forms.

(d) To serve as recording secretary of the Reappointments Committee.

(e) To provide counsel to the Reappointments Committee during the course of its deliberations.

(f) To provide counsel to the provost when the Reappointments Committee's deliberations are completed.

(g) In the case that the Reappointments Committee does not recommend contract renewal, to prepare a written summary explaining to the provost the committee's reasons for doing so, and to include this document in the review file.

iv. *Dean for Faculty Development and Research (DFDR)*

(a) In the case of a review of a department chair or program director, to assume the role of chair or director for that review.

v. *Department Chair or Program Director*

(a) To arrange with the candidate an appropriate schedule of classroom visits by the chair or director or the chair's or director's designate, and to ensure that the number of visits by other colleagues does not unnecessarily disrupt the candidate's courses.

(b) To review the candidate's course response forms, available electronically through the Office of the Vice President for Academic Affairs and Dean of the Faculty.

(c) To submit a letter to the Reappointments Committee containing the departmental or programmatic evaluation according to section 2.e. or 2.f. The focus of the departmental or programmatic evaluation will be upon the candidate's teaching performance and promise as a teacher and scholar. This letter will be shared with the tenured members of the department or program and the candidate undergoing the review.

(d) To make available to the candidate a copy of the departmental or programmatic letter.

(e) To meet with the candidate to discuss the contents of the departmental or programmatic evaluation.

vi. *Tenured Department or Program Faculty Members*

(a) To submit a letter of recommendation, when requested, to the Reappointments Committee, with a copy to the department chair or program director, that speaks to those aspects of a candidate's work with which he or she is

familiar. Tenured faculty are expected to provide a letter upon request by the Committee, whether on academic leave or not.

(b) Upon the invitation of a candidate, to observe a class or classes and to meet with the candidate to discuss his or her performance in the class, with suggestions for possible improvement. Such meetings will be held before the end of the term during which the visits take place.

vii. *Provost*

- (a) To hear reports from the Reappointments Committee on the substance of its conclusions about each constituent part of the case and about the case as a whole.
- (b) To consult with the VPAA/DoF about the individual cases.
- (c) To challenge any conclusion of the Reappointments Committee with which he or she disagrees and give the Reappointments Committee an opportunity to respond.
- (d) In the case of a reversal of the committee's recommendation, to explain to the committee the reasons for doing so, reasons which in a written summary become part of the review file.
- (e) To make the final decision and to notify the candidate in a letter that indicates the recommendation of the Reappointments Committee.

4. **PRIOR SERVICE, EARLY REVIEW, AND LENGTH OF APPOINTMENT UNDER "NEW" RULES**

a. **Normal Review Schedules in Case of Prior Service**

All regular faculty members appointed to full-time positions at any rank, who have had prior full-time appointment at another college or university, are reviewed for reappointment no later than in the third year of their Middlebury appointment.

Faculty who teach less than full-time are normally reviewed after they have taught ten fall/spring courses.

The *normal* schedule for length of initial appointment and the character of initial review for reappointment is as follows:

<i>Years of Prior Service</i>	<i>Length of First Contract</i>	<i>Initial Review</i>	<i>Year in which review takes place</i>
1-2	3	First	Third (fall)
3	2	First	Second (January)
4	4	Tenure	Third (spring)
5-7	3	Tenure	Second or third (January) as negotiated at time of appointment

Any deviations from this schedule will be specifically stated in the initial letter of appointment. Prior service counts for anyone who has held a regular, full-time appointment at a senior college or university. Only full-year appointments at Middlebury or elsewhere counts toward tenure date.

b. **Review Schedule for Term Appointments**

Initial term appointments to the Middlebury College faculty may range from one to three years. Term appointments may be made at any rank, regardless of the normal phasing of reviews. Term appointments are

intended to accommodate contextual needs in instructional programs or the needs of the faculty member appointed. Reappointment may be offered for periods less than the normal reappointment period when contextual needs in an instructional program require it.

### **c. Length of Appointment and Tenure**

A faculty member with a regular full-time appointment may not serve beyond the eighth year (at Middlebury or as accumulated) without review for tenure, except when the initial term appointment carries beyond the eighth year (as accumulated). With the exceptions noted below, faculty members holding special full-time appointments may not be reappointed beyond the eighth year of full-time teaching at Middlebury College. This limitation does not apply to faculty members in the following categories as defined previously in section 1.c.ii., Faculty Appointments, Special Appointments.

- i. *Lecturers and Senior Lecturers*
- ii. *Assistant Professor (non-tenure-track) and Associate Professor (without tenure)*
- iii. *Assistants in Instruction*
- iv. *Laboratory Instructor, Assistant Laboratory Professor, and Associate Laboratory Professor*
- v. *Members of the Department of Physical Education*
- vi. *Administrative appointments with faculty rank*

When (following a stringent review by the Reappointments Committee) a full-time faculty member is appointed beyond the eighth year, the length of the employment contract will normally be from three to five years.

### **d. Early Reviews**

The decision to be reviewed early for tenure rests with the individual faculty member. If a colleague requests an early tenure review, the Promotions Committee will review the faculty member according to the appropriate criteria for the tenure review as outlined. A faculty member electing early review waives the terms of the existing letter of appointment pertaining to length of appointment to the faculty. If the review results in a decision not to reappoint, no later review will be undertaken, and faculty members who have been denied tenure will be offered a one-year terminal appointment for the year succeeding the review. A request for an early tenure review that anticipates notification of the decision by late December should be received by the VPAA by March 15 prior; a request that anticipates notification by late May should be received by September 15 prior. Time spent on leave (except for sick or parental leave) does not alter the time of review; i.e., the timing of the review is calculated strictly from the date of first appointment, regardless of any time on leave for the purposes of scholarship and other professional development.

### **e. Deferred Reviews**

Faculty members may request a delay in the tenure review. The VPAA/DoF may grant a delay if the professional development of a member of the faculty has been impaired by a particularly demanding institutional role or by poor health, family obligations, or legally recognized disabilities. In no case, however, will a tenure review take place later than the tenth year of full-time teaching.

### **f. Notification Date**

Persons undergoing a first review will normally be notified of decisions no later than the end of December for reviews conducted in the fall term and the end of May for reviews conducted in the spring term of their final year of appointment. Persons undergoing a tenure review will normally be notified of decisions no later than the end of December for reviews conducted in the fall term and the end of May for reviews conducted in the spring term of the year preceding their final year of appointment. Faculty undergoing a review for promotion to full professor will normally be notified no later than the end of December for reviews conducted in the fall term and the end of May for reviews conducted in the spring term of the review year. Faculty undergoing a ten-year review will

normally be notified no later than June 1 of the review year. Faculty undergoing a contract review during winter term will normally be notified no later than the end of February.

#### **g. Retirement**

Retirement may be arranged at any time a faculty member chooses. Retirements will normally become effective on the terminal date of a fiscal year. Appointment of a retired faculty member to a period of active service at Middlebury College will be at the discretion of the president.

## **C.4. Rules of Reappointment for Physical Education Faculty**

### **1. Review and Reappointment in the Department of Physical Education**

**a. *Review Schedule.*** The athletic director will review all instructors and assistants in the Department of Physical Education and Athletics on an annual basis. Reviews of coaches who do not have head coaching responsibilities will be conducted in conjunction with the appropriate head coach(es). Evaluations of all instructors in physical education will focus on their promise and performance as coaches, and as physical education instructors. Reviews will generally occur at the conclusion of the coaches' prime coaching season, and final recommendations will be forwarded to the dean of the College by May 10, with notification taking place as specified in section 4.f. Notification Date, of the Faculty Handbook "Rules of Appointment and Tenure for Academic Faculty." After two consecutive, one-year contracts, an instructor may be offered a two-year contract, which may be renewed at the conclusion of the first two-year contract. After six years as an instructor in physical education, assuming positive evaluations, the coach may be awarded a three-year contract, and will be appointed to the rank of assistant in physical education. Coaches who do not have "head" coaching responsibilities are limited to attaining the rank of assistant in physical education and can be awarded renewable three-year term contracts following written recommendation by the director of athletics.

New head coaches, with previous coaching experience, may be hired at the rank of assistant in physical education, and initially awarded a three-year contract. Upon satisfactory yearly reviews, a second three-year contract may be granted, and annual reviews by the director of athletics will continue on a yearly basis. After six years as an assistant in physical education, assuming positive evaluations and the satisfactory completion of the major review, a head coach will be promoted to associate in physical education and will receive a renewable five-year contract.

**b. *First Five-Year Review.*** During the sixth year at the rank of assistant in physical education, the Physical Education and Athletics Committee on Reappointment (PEACOR), composed of the Senior Woman Administrator (SWA), a senior associate in physical education, elected by the members of the department, and the chair of the Athletic Policy Committee of the Faculty (APC), will initiate a major review to determine whether the head coach under review will be promoted to the rank of associate in physical education and awarded a renewable five-year contract. The director of Athletics and the dean of the College will serve in advisory capacities to PEACOR during its proceedings. To be considered for this promotion a head coach must be judged to be an outstanding coach and teacher, based upon the performance criteria listed below. The PEACOR will forward its recommendation to the dean of the College and the president for final approval. A head coach who is not offered a five-year contract will be offered a one-year terminal contract, and notified in writing regarding the new contract as specified in section 4.f. Notification Date, of the Faculty Handbook "Rules of Appointment and Tenure for Academic Faculty."

(Note: This review is of major importance, since it parallels an academic professors' review for tenure, and accordingly the granting of associate rank. The granting of a multi-year renewable contract is a significant one, in that the college is acknowledging its desire to provide contractual stability to the coach, based on continued outstanding coaching and teaching performance.)

**c. *Second Five-Year Review.*** During the fifth year the associate in physical education will undergo a second review by the PEACOR. The procedures of the review will be the same as for the first five-year review. The PEACOR will notify the dean of the College and the president of its recommendation, and the coach will receive written notification as specified in section 4.f. Notification Date, of the Faculty Handbook "Rules of Appointment and Tenure for Academic Faculty." Upon a positive review, the associate will be granted a second five-year contract. If the review is unsatisfactory, the coach will be offered a two-year terminal contract.

**d. *Seven-Year Review.*** In the tenth year at the rank of associate in physical education the head coach will be reviewed by the PEACOR. Evaluations by the PEACOR will be acted upon as previously described. Upon a positive review, the associate will be promoted to the rank of senior associate and granted a seven-year contract. If the review is unsatisfactory, the coach will be offered a two-year terminal contract. These reviews will continue every seven years.

(Note: Colleagues moving through the process granted 3-year rolling contracts prior to September 1, 2002 will move through the Associate and Senior Associate ranks with Major Reviews at 5 years at the Associate Level and every seven years at the Senior Associate Level.)

**e. *Appeal Process.*** In the event the PEACOR does not recommend promotion and a multi-year contract, any appeals will follow the procedures stated in the Appeals section in the Faculty Handbook. References in this section to the Reappointments and Promotions Committee, will be relegated to the Physical Education and Athletics Committee on Reappointment, and followed in the same manner through the appeals process.

**f. *Termination for Cause.*** Termination of a contract may occur at any time and will follow the provisions of section c. of "Special Provisions" in the Faculty Handbook. The Physical Education and Athletics Committee on Reappointment will perform the role of the Promotions Committee in section c.

### **g. *Reappointment and Review Criteria***

All coaching faculty are hired with the expectation of being outstanding teachers. All coaches are expected to value the role that they play in the education of their student-athletes, and will be actively supportive in insuring that their students' opportunity to excel in their academic pursuits is always viewed as being of paramount importance. The pursuit of excellence is an attitude that all coaches will attempt to instill in their athletes, to the extent that this pursuit will be evident in their academic growth, in their positive contributions made to the campus community, and in their athletic endeavors.

Coaching faculty are evaluated in the areas listed below:

#### ***Commitment to the core mission of the College***

- Commitment to the Middlebury College Mission Statement, NESCAC Mission Statement and the NCAA Division III Philosophy
- Adherence to College, Conference and NCAA rules and policies
- Effectiveness in assisting students in finding a healthy balance between athletic interests and academic priorities
- Effectiveness in supporting students in attaining their educational goals

#### ***Teaching Physical Education Classes***

- Knowledge of fundamental skills and concepts
- Organization and lesson plan progression to achieve stated goals
- Instructional communication, drill utilization and skill acquisition
- Promotion of wellness

#### ***Coaching and Teaching***

- Practice organization/time management

- Skills analysis, teaching and progression
- Tactics/strategy development/game day adaptability
- Team fitness preparation and maintenance
- Team and player motivation, coach-player relationship, student welfare
- Team performance - Use and teaching of rules, academic performance, community service
- Professional growth – certifications, memberships, public speaking, camps and clinics, awards/recognition
- Recruiting and promotion:
  - Public relations – media, alumni
  - Ability to attract and yield top student-athletes

### ***Administration and Organization***

- Professional traits – communication/organizational skills, punctuality, work ethic
- Budget management
- Trip organization
- Meeting deadlines
- Relations with support staff

### ***Service***

- Department involvement and initiatives
- Involvement with College community
- Community service – service to community, mentoring

## **2. Review Procedures in the Department of Physical Education and Athletics**

**a. Annual review.** Prior to May 10th, the athletic director will meet individually with each head coach. Prior to the meeting the athletic director will gather information from the following sources to assist in the evaluation: 1) Physical Education evaluation forms and a written summary of evaluation from the director of physical education, 2) Student assessment of coaching forms to be completed by all team members, 3) Written summation of captains evaluation meeting with the athletic director, 4) Coaching year-end self evaluation form and 5) the athletic director will have personally observed a minimum of one practice and one varsity contest. Reviews of coaches who do not have head coaching responsibilities will be conducted in conjunction with the appropriate head coach(es) and reviewed by the director of athletics.

**Evaluation Process -** The athletic director will provide a written evaluation to the candidates based on the year-end evaluation form. Areas of strengths will be noted, and a plan will be formulated to address any areas of weakness. If the evaluation is negative and the review falls at the end of a contract period, the coach will be notified in writing as specified in section 4.f. Notification Date, of the Faculty Handbook "Rules of Appointment and Tenure for Academic Faculty." A head coach or assistant coach with no "head" coaching responsibility on an extended contract (two or three years) will not be terminated in the final year of the contract unless the coach has been notified in writing of previous shortcoming that would need to be improved upon to the satisfaction of the athletic director or head coach during the final year of the contract.

**b. First Five-Year Review.** Because of the variety of forms of instruction, and the multiplicity of tasks that are required in coaching, the PEACOR will examine all possible avenues to assure that evidence of coaching and teaching excellence is assured. A satisfactory review is required in order for the head coach to be considered for a renewable five-year contract. This review should clearly show that the coach is already an outstanding head coach and teacher. All review materials must be submitted to the committee by March 1. The committee will gather assessment information in the following ways:

#### **i. The Candidate**

(a) The head coach will provide a complete vita of all professional accomplishments and service contributions, as well as a self-evaluation that concentrates on these accomplishments and contributions with reference to the criteria listed in section 1.g.vii., above. This self-evaluation should also address the coach's plans for future

professional growth.

- (b) The coach will provide copies of organizational plans, playbook, published articles, etc., and any other data to support their coaching abilities and professional growth.
- (c) To furnish the PEACOR with a list of professional colleagues outside Middlebury who would be appropriate to evaluate the candidate's professional achievements. A minimum of four will be required.
- (d) The candidate may seek up to two written comments from non-departmental colleagues from within the college community.
- (e) Seek written comment from the admissions office liaison, if it is applicable.
- (f) To provide PEACOR through the director of athletics, or the director's designate, an appropriate schedule of practice or physical education class visits.

#### ii. Physical Education and Athletics Committee on Reappointment (PEACOR)

- (a) To meet with the candidates for the first review, in a group or individually, to explain to them the procedures; and to invite the candidates to submit, either orally or in writing, any additional information that may be pertinent to their reviews. A candidate's decision not to submit such materials is in no way prejudicial to reappointment.
- (b) The PEACOR will utilize all of the evaluative tools that are used in the annual reviews, and will have access to previous yearly performance reviews. The athletic director will include a summation of these evaluations for the committee in order to bring perspective.
- (c) To arrange with the candidate an appropriate schedule to observe at least one practice and/or physical education class and one scheduled athletic contest.

#### iii. Dean of the College

- (a) To initiate the review in a timely fashion so that all necessary information and documentation may be obtained from the candidate and other sources.
- (b) To solicit information, on behalf of the PEACOR, from candidates under review; to gather information from other sources when so requested by the PEACOR.
- (c) To serve as recording secretary of the PEACOR.
- (d) To provide counsel to the PEACOR during the course of its deliberations.
- (e) To provide counsel to the president when the PEACOR's deliberations are completed.

#### iv. Director of Athletics

- (a) To maintain the candidates' review files, including teaching evaluation forms.
- (b) The director of athletics will seek written peer reviews from all department members with senior associate or associate status not serving on PEACOR and will write a letter, without attribution, that summarizes views of those department members. At the discretion of the director of athletics a candidate may be asked to write a letter for a colleague under review.
- (c) To serve in an advisory capacity to the PEACOR during the course of its deliberations.

#### v. President

- (a) To hear reports from the PEACOR on the substance of its conclusions about each constituent part of the case and about the case as a whole.
- (b) To consult with the dean of the College about the individual cases.
- (c) To challenge any conclusion of the PEACOR with which he or she disagrees and give the PEACOR an opportunity to respond.
- (d) In the case of a reversal of the committee's recommendation, to explain to the committee the reasons for doing so, reasons which in a written summary become part of the review file.
- (e) To make the final decision and to notify the candidate in a letter that indicates the recommendation of the PEACOR.

**c. Second Five-Year Review.** The procedure for review will be exactly the same as for the first five-year review.

**d. Seven-year Review.** The procedure for the review will be exactly the same as for the second five-year review. Outside recommendations will not be sought by the committee, but may be provided by the coach.



***e. Confidentiality and Access for review materials in the Department of Physical Education and Athletics.***

Letters from students, and from peers both within and outside the institution, are always confidential, and will be made available to the candidate only in the event of a contract being denied. All student evaluation forms will be made available to the candidate, as well as to the committee. The athletic director will include a summation of these evaluations for the committee in order to bring perspective. This summation will be made available to the candidate, prior to its submission to the committee. The athletic director will also write a letter that summarizes, without attribution, the written views of the department members with associate or senior status in the department and it will be available to the candidate at the time it is submitted to the committee. The dean of the College, the provost, and the president, as well as all members of the PEACOR will have access to all the materials requested in section **b**, above.

## **C.5. Appeal Procedures**

### **a. Appeal of Non-reappointment**

*i. Grounds for Appeal* A faculty member who has received notice of non-reappointment may appeal that judgment on the basis of either procedural errors or violation of academic freedom that may have influenced the academic department or program, and/or the Reappointments Committee or the Promotions Committee, and/or the provost (in the case of first and contract reviews) or the president (in the case of tenure reviews).

*ii. Procedures for All Appeals* The faculty member must notify the secretary of the Appeals Council of intent to appeal in writing within 10 days of receipt of notification of non-reappointment.

The secretary informs the vice president for Academic Affairs and dean of the faculty (VPAA/DoF) and the Reappointments Committee or the Promotions Committee of the intent to appeal.

The faculty member must submit his or her appeal and the grounds for the appeal (academic freedom or procedural error) to the secretary of the Appeals Council within 20 days after receipt of notification of non-reappointment.

The Appeals Council will select an Appeal Committee to evaluate the grounds of the appeal. The Appeal Committee does not reconsider or judge the reappointment decision itself, which remains the charge of the Reappointments Committee or the Promotions Committee, and the provost or the president. The Appeal Committee will be composed of three members of the Appeals Council. In no case will a member of the Appeal Committee be a member of the appellant's department or someone who was involved in the reappointment review in another capacity.

The appellant is informed of the composition of the Appeal Committee by the secretary of the Appeals Council, and may request, for good cause, within a week of notification, that any member selected be disqualified from serving on the committee. Individual panel members may also request, for good cause, such disqualification. The Appeals Council decides on the validity of any such requests.

The Appeal Committee meets with the appellant, the Reappointments Committee or the Promotions Committee, and with any other persons it deems appropriate over the course of its investigation of the appeal. The Reappointments Committee or the Promotions Committee explains to the Appeal Committee the procedures followed in arriving at its recommendation and the reasons for the recommendation. The provost (in the case of first and contract reviews) or the president (in the case of tenure reviews) explains to the Appeal Committee the procedures followed in reaching their decision and the reasons for the decision. The committee has access to all written documents pertaining to the reappointment decision. The contents of those documents, and all other substantive matters pertaining to the committee's investigation, are held strictly confidential. The burden of proof rests with the faculty member. At the conclusion of the investigation, the chair of the Appeal Committee submits the committee's findings, in writing, to the provost (in the case of first and contract reviews), the president (in the

case of tenure reviews), members of the Reappointments Committee or the Promotions Committee, the VPAA/DoF, and the appellant. The appellant may request meetings with the Appeal Committee before its investigation begins and at its conclusion.

The Appeal Committee will inform the appellant of its findings within 60 days of the date the appeal was submitted to the Committee. In the case of an appeal submitted after April 15, the Appeal Committee may determine that the appeal will be considered at the beginning of the subsequent fall. In such cases, the Appeal Committee will inform the appellant of its findings within 60 days of the beginning of the fall term, no later than November 10.

*iii. Appeal on the Grounds of Violation of Academic Freedom* If the Appeal Committee concludes that the appeal on grounds of a violation of academic freedom lacks adequate foundation, the provost or the president (as appropriate) will dismiss the appeal.

If the Appeal Committee concludes that there are grounds for appeal on the basis of academic freedom, the provost or the president (as appropriate) will notify the Board of Trustees and ask that the board conduct a hearing.

The board designates one of its standing committees, or appoints a committee, to hold the hearing. The hearing will be conducted in a manner that will afford the faculty member fair opportunity to present their case and to permit the committee to inquire into it. Should the faculty member so request, a portion of the hearing will be conducted with the provost (in the case of first and contract reviews) or the president (in the case of tenure reviews) not present. The VPAA/DoF will remain present throughout the appeal and maintain a record of the proceedings. The decision of the trustees is final.

If the final decision is to reject the appeal, the non-reappointment of the faculty member will stand, and the provost (in the case of first and contract reviews) or the president (in the case of tenure reviews) will so inform the appellant. If the decision is to uphold the appeal, reappointment will be offered to the faculty member on terms no less favorable than the terms of his or her current appointment.

*iv. Appeal on the Grounds of Procedural Error* If the Appeal Committee concludes that there are grounds for an appeal on the basis of procedural errors, the chair of the Appeal Committee will direct the relevant parties to correct all of the errors cited in its report within a specified timeline, and will direct the parties to notify the chair in writing when the procedural errors have been corrected. The Appeal Committee's findings with regard to matters of procedure are binding on all parties. When notifications of all corrections has been submitted to the Appeal Committee, the chair of the Committee will forward this information to the provost (in the case of first and contract reviews) or the president (in the case of tenure reviews), the VPAA/DoF, and the Reappointments Committee or the Promotions Committee. The VPAA/DoF will then charge the committee that made the original recommendation with reconsidering its recommendation while avoiding procedural violations. If the Appeal Committee determines that a procedural error occurred, but was immaterial to the outcome of the review, the fact that an error occurred is not in itself grounds for upholding the appeal. The Appeal Committee may note the error in its report, but conclude that it does not warrant a reconsideration of the recommendation.

If after reconsideration as the result of an appeal the Reappointments Committee or the Promotions Committee recommends reappointment, the provost or the president (as appropriate) will reconsider their decision.

If the Appeal Committee concludes that the appeal on the grounds of procedure lacks adequate foundation, the Appeal Committee will dismiss the appeal. Upon completion of its deliberations, the Appeal Committee will prepare a confidential report to be used by future appeal committees summarizing the nature of each proposed procedural error and the Committee's decision. All information identifying individuals or departments will be excluded from the report. Copies of the section of the handbook on the rules of appointment and tenure from the year of the appeal will be filed with the report. Copies of past reports and correspondent handbook sections will be deposited with the office of the Administrative Coordinator of Faculty Affairs.

## C.6. Faculty Misconduct

### a. General Principles

*In determining whether a faculty member's actions constitute professional misconduct, and in determining any penalties for faculty misconduct, up to and including termination, faculty members, administrators, and Trustees will act in accordance with the following principles:*

1. Faculty members are expected to conform to all ethical standards of the profession, such as those enumerated in the American Association of University Professors' *Statement on Professional Ethics* (<https://www.aaup.org/report/statement-professional-ethics>).
2. All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, formulated by the Association of American Colleges and Universities and the American Association of University Professors. Exercises of academic freedom, including the expression of dissent or unpopular opinions, do not constitute faculty misconduct, and cannot incur a penalty.
3. The principle of presumed innocence applies: until the process of review is complete, the faculty member is presumed innocent.
4. The grounds for a finding of faculty misconduct and imposition of penalties must be specific and concrete.
5. Criminal activity may constitute faculty misconduct where such activity could reasonably be seen to substantially compromise a faculty member's ability to carry out his or her responsibilities as a teacher, scholar, and contributor to the functioning and governing of the College. Civil disobedience, non-violent protest, and expression of opinions, even where such activities result in civil or criminal penalties, do not amount to faculty misconduct under this section. Crimes involving violence or deliberate and consequential dishonesty, on the other hand, may constitute misconduct.
6. The principle of proportionality applies: the penalty must be commensurate with the severity of the misconduct in question. Only the most serious violations of a faculty member's responsibilities as a teacher, scholar, and contributor to the functioning and governance of the college, especially actions that pose an imminent threat to the safety of others and the flagrant interference with the efforts of colleagues and students to exercise their rights of free inquiry and expression, can be considered as adequate cause for termination.
7. Considerations of political opinions, race, creed, gender, sexual orientation, gender identity or expression, age, legally recognized forms of disability, or economic considerations—e.g., relating to the individual's salary level, length of contract—are absolutely prohibited in determining grounds for misconduct or assigning penalties for misconduct.
8. The principle of equal treatment should apply: instances of misconduct that are similar in nature and magnitude should be met with penalties that are similar in nature and magnitude, regardless of the identities of the faculty members involved.
9. Public perceptions and media representations of a faculty member should play no role in determining if misconduct has occurred, or in assessing any penalties that result from misconduct.
10. Faculty participation is central to the hiring and promotion of our colleagues. The principle of self-governance requires that the faculty be significantly involved in the review of a colleague accused of professional misconduct.
11. While the Board of Trustees has ultimate authority in matters involving faculty misconduct, in keeping with the principle of faculty self-governance, the Board will give considerable deference to the recommendations of the faculty and administration regarding faculty misconduct. In the event that the Board disagrees with the faculty's or administration's recommendations, the Board will provide a substantive written justification for its decision.

### b. Definitions of Lesser Misconduct, Grounds for Termination, and Violations of the Anti-Harassment/Discrimination Policy and/or the Policy Against Sexual Misconduct, Domestic Violence, Dating Violence and Stalking

There are three categories of professional misconduct: lesser misconduct, grounds for termination, and misconduct associated with violations of the Anti-Harassment/Discrimination Policy and/or the Policy Against Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking. Additionally, faculty members may face penalties (including termination) for teaching ineffectiveness, even if no misconduct has occurred. All allegations of misconduct or teaching ineffectiveness will be considered in the context of the general principles described in section *a* above. In all instances of alleged misconduct or teaching ineffectiveness, the faculty member will be secure in his or her right to a fair and impartial hearing.

*i. Lesser misconduct.* In keeping with the principle of proportionality, some professional misconduct does not constitute sufficient grounds for termination of employment. Such “lesser misconduct” includes, but is not limited to, violations of the Employee Code of Conduct that do not satisfy the specific grounds for termination set forth in section *b.ii.*, and violations of the principles of faculty conduct set forth in section *a* that do not satisfy the specific grounds for termination set forth in section *b.ii.*

*ii. Grounds for termination.* Faculty on appointment for any term, including tenure, may have their appointment terminated prior to the specifications of the appointment only by special action of designated and appropriate College authorities with adequate cause and according to the procedures described below. As per the proportionality principle, termination for any reason may be undertaken only in the most exceptional circumstances and only for the most compelling reasons. Tenure is a primary protection for academic freedom and contributes to the stability necessary for the development of the College. At the same time, tenure is not simply a guarantee of appointment until retirement. Specific serious offenses may result in termination for cause. A continued pattern of teaching performance that is judged to be below minimally acceptable standards may also result in termination.

The following are considered as grounds for termination:

- (a) Flagrant and deliberate violations of the rules and procedures of the Middlebury College faculty; persistent failure to carry out specified teaching assignments as these are determined by a department or by the Curriculum Committee of the College. Action cannot be taken under the latter clause against a faculty member whose academic directions have not changed but who is a member of a department that has undertaken new directions and therefore has developed new needs.
- (b) Severe abuse of professional authority; deliberate coercion of others; deliberate suppression of the freedom of thought necessary in an academic community; patterns of behavior that fundamentally compromise a faculty member's ability to carry out his or her responsibilities as a teacher, scholar, and contributor to the functioning and governance of the College.
- (c) Actions that are willfully destructive of College facilities or pose an imminent threat to the safety of others.
- (d) Serious criminal conduct as defined in *General Principles* section *a. v.*
- (e) Teaching ineffectiveness. (Procedures defined below in section *f.*)

*iii. Violations of the [Non-Discrimination Policy](#).* Reports of misconduct that, if proven, would violate the Non-Discrimination Policy will be investigated according to the procedures described in those policies. Sanctions, including, potentially, termination for cause and other sanctions listed in section *g.* of this policy, will be determined according to the procedures that are described below in that section.

### *c. Administrative Procedures regarding Allegations of Lesser Misconduct and/or Grounds for Termination*

*i.* When an allegation of professional misconduct has been made, the vice president for Academic Affairs and dean of the faculty (VPAA/DoF) will make a preliminary inquiry and will discuss the matter with those administrative officers he or she deems appropriate. If the VPAA/DoF concludes that the alleged misconduct, were it to be substantiated, might constitute professional misconduct, and therefore that further inquiry is warranted, then they will meet in confidence with the accused faculty member to discuss the alleged violation.

The faculty member and the VPAA/DoF may each invite an adviser of their choice, typically a tenured faculty colleague, to assist them, or to act as counsel. Under all circumstances, the VPAA/DoF will report the details of the case to the provost.

In consultation with the VPAA/DoF, the provost will then propose one of three possible outcomes:

- (a) If the provost finds no misconduct, then the faculty member will incur no penalty, contingent on the approval of the Board of Trustees as described in section *c.iv*.
- (b) If the provost finds grounds only for lesser misconduct (as defined in *b.i.*), then the provost will recommend a penalty less than termination, with subsequent procedures described in section *c.ii*.
- (c) If the provost finds grounds for termination (as defined in *b.ii.*), then the case will be directed to the Promotions Committee for a misconduct review, as described in section *d*.

The VPAA/DoF will inform the complainant(s) in writing whether the provost has recommended to the Board that the matter be dropped, whether a lesser penalty will be pursued, or whether a misconduct review will be initiated.

*ii.* If the provost finds that lesser misconduct has occurred, then, in consultation with the VPAA/DoF, the provost will recommend a penalty less than termination. If the faculty member accepts the recommended penalty, then that penalty is enacted, contingent on approval by the Board of Trustees as described in section *c.iv*. Alternatively, the faculty member may reject the recommended penalty, which initiates a misconduct discussion as described in section *c.iii*.

*iii.* If the faculty member rejects a recommendation for a penalty less than termination in the process described in *c.ii.*, then the VPAA/DOF, provost, and faculty member will engage in a misconduct discussion with the aim of finding a mutually acceptable outcome. If the three parties agree on an outcome within 30 days, then that agreement shall be enacted, contingent on the final approval by the Board of Trustees as described in section *c.iv*. In this case, the Board will be informed of the provost's initial penalty proposal and the outcome agreed upon in the misconduct discussion. In all other cases, the matter will be turned over to the Promotions Committee for a misconduct review, as described in section *d*. In this case, the Promotions Committee will be informed of the provost's initial penalty proposal.

*iv.* If the faculty member, VPAA/DoF, and provost agree on either no penalty or on a penalty less than termination, and the Promotions Committee has not reviewed the matter, the provost will report the allegation and recommended outcome to the Board of Trustees. This report will not divulge the names of the faculty member or of any individuals who participated in these deliberations.

If the Board accepts the provost's recommendation, then that recommendation will be enacted. If the Board rejects the provost's recommendation, then the Board will identify factors that either the VPAA/DoF and/or the provost has failed to consider, and that the Board deems relevant to the case. The Board will communicate these factors to both the Promotions Committee and the provost, and the Promotions Committee will initiate the misconduct review procedures described in section *d*. Both the Promotions Committee and the provost will address in their written findings (as described in section *d.ii.*) their assessment of the specific factors that the Board of Trustees has recommended that they consider. If either the Promotions Committee or the provost disagrees with the Board as to the interpretation and importance of these considerations, they will include the grounds of this disagreement in these written findings.

#### *d. Misconduct Review Procedures*

*i.* Following a provost's recommendation for a misconduct review, as described in section *c.i(c)*, a misconduct discussion not resulting in a mutually acceptable outcome as described in section *c.iii.*, or a Board of Trustees recommendation for a misconduct review, as described in section *c.iv.*, the case will be turned over to the Promotions Committee. In such cases, the VPAA/DoF will promptly inform the faculty member, in writing, of

the identity of the person or persons who initiated the charge, the allegation of misconduct being considered, and the sources of any information about the case. The statement given to the faculty member will be framed with due concern for the rights of the parties involved. The person or persons who initiated the charge will be informed that their identity is being revealed to the accused faculty member and that the Promotions Committee is considering the matter. Middlebury College will protect from retaliation anyone who makes a good faith effort to appropriately disclose perceived professional misconduct. However, the College reserves the right to distinguish between retaliation and ongoing performance management related to the "whistleblower." See the College's Whistleblower policy for further elaboration.

Once the Promotions Committee has begun the misconduct review, the VPAA/DoF will make available to the committee all information pertaining to the matter that he or she possesses. The provost and the VPAA/DoF will cooperate with the committee in any inquiries the committee deems necessary. The VPAA/DoF will not otherwise participate in the Promotions Committee's proceedings or deliberations. The faculty member will be given fair opportunity to prepare and present their defense and will be permitted to call upon an adviser of their choice, typically a tenured faculty colleague, to assist them, or to act as counsel. In the course of the review, the faculty member will have an opportunity to confront witnesses against them.

The faculty ombudsperson will attend all proceedings of the Promotions Committee that incorporate interviews or testimony in the case. The Promotions Committee will also keep the ombudsperson informed of the committee's work. The ombudsperson will keep the provost informed of the committee's work. A professional reporter will transcribe any interviews and testimony heard by the committee. All parties must agree to the content of the transcript before it becomes the official record of the proceedings. The faculty member and the provost will each have full access to all records of interviews and testimony at the committee's proceedings as these records become available.

*ii.* After a full review of the case, the Promotions Committee will recommend one of three possible outcomes:

(a) If the Promotions Committee finds no grounds for misconduct, it will recommend that the faculty member incur no penalty.

(b) If the Promotions Committee finds only grounds for lesser misconduct, it will recommend a penalty less than termination.

(c) If the Promotions Committee finds grounds for termination, it will recommend that the faculty member be terminated for cause.

The Promotions Committee will inform the faculty member and provost in writing of its findings and recommendations.

The provost will consider the recommendation of the Promotions Committee. Within 14 days of receiving this recommendation, except where exigent circumstances require otherwise, the provost will present his or her own recommendation, orally and in writing, to the faculty member and to the Promotions Committee. The written findings of the Promotions Committee and the provost will be provided to the Board of Trustees. These reports will not divulge the names of the faculty member or of any individuals who participated in the review.

If the provost and the Promotions Committee recommend the same outcome, then that outcome will be enacted, contingent on approval by the Board of Trustees, as described in section *d.iv*. Otherwise, they will initiate a misconduct discussion as described in section *d.iii*.

*iii.* If the provost rejects the Promotions Committee's recommendation in the process described in *d.ii*., then the Promotions Committee and provost will engage in a misconduct discussion with the aim of finding a mutually acceptable outcome. If the two parties agree on an outcome within 14 days, then that agreement shall be enacted, contingent on approval by the Board of Trustees as described in section *d.iv*. In this case, the Board will be informed of the Promotion Committee's and provost's initial penalty proposals and the outcome agreed upon in the misconduct discussion. In all other cases, the matter will be turned over to the Board of Trustees for a

misconduct hearing, as described in section *d.v.* In this case, the Board will be informed of the Promotion Committee's and provost's initial penalty proposals.

*iv.* If the Promotions Committee and provost agree on a recommended outcome, then the provost will report the allegation and recommended outcome to the Board of Trustees. This report will not divulge the names of the faculty member or of any individuals who participated in these deliberations.

If the Board accepts the provost's recommendation, then that recommendation will be enacted. The faculty member may otherwise appeal to the Board of Trustees who will conduct a Misconduct Hearing as described in section *d.v.* If the Board rejects the provost's recommendation, then the Board will conduct a misconduct hearing as described in section *d.v.*

*v.* In circumstances that require the Board of Trustees to conduct a misconduct hearing, the Board will establish a Hearing Panel of at least three of its members to consider the case. The work of the Hearing Panel will include a review of all of the documentation of the case; a meeting with the faculty member who was charged; an interview with the Promotions Committee; an interview with the provost; and all further investigations and interviews that the Hearing Panel deems necessary. The faculty member will be given fair opportunity to prepare and present his or her defense, and will be permitted to call upon an adviser of their choice, typically a tenured faculty colleague, to assist them, or to act as counsel. If, in the course of its investigation, the Board identifies factors that the Promotions Committee or provost has failed to consider and that the Board deems relevant to the case, the Board will communicate these factors to both the Promotions Committee and the provost, allowing each to register any disagreements as to the interpretation and importance of these factors. A professional reporter will produce a verbatim transcript of the proceedings of the Hearing Panel. The faculty member will have full access to all records of the proceedings of the Hearing Panel. The work of the Hearing Panel must be completed within 60 days except where exigent circumstances require otherwise. If the Hearing is not completed within 60 days, the accused faculty member will be informed of the delay, the reason for it, and an expected completion date.

After the Hearing Panel completes its work, the Board of Trustees will decide on three possible outcomes:

- (a) If the Hearing Panel finds no grounds for misconduct, the faculty member will incur no penalty.
- (b) If the Hearing Panel finds only grounds for lesser misconduct, it will impose a penalty less than termination.
- (c) If the Hearing Panel finds grounds for termination, then the faculty member's employment will be terminated with cause, and the faculty member will not be offered any subsequent employment at the College.

The Board's decision is final and will be carried out by the provost.

*vi.* From the moment the provost finds grounds for professional misconduct until the time when the Board of Trustees reaches its final decision, the faculty member may end the proceedings by resigning. When the charge against the faculty member is based in whole or in part on deliberate harm to others (e.g., harassment), however, the faculty member will not be permitted to take early retirement or resign effective at a later date in exchange for the charges being dropped. If the faculty member chooses to resign, the resignation must take effect immediately.

*vii.* Whenever the Promotions Committee has conducted a misconduct review in which either it, the provost, or the Board has recommended that a faculty member's employment be terminated, it will, at the last faculty meeting of the term in which the review has taken place, report to the voting members of the faculty: (1) the general category (according to Grounds for Termination *b.ii.* (a)-(e) above) of the allegations brought, and (2) whether the committee recommended that the faculty member's employment be terminated. This report will not divulge the names of the faculty member or of any individuals having participated in the review and will be entered into the records of the faculty. If a faculty member ends a misconduct review by resigning, the cessation of the review and the reason for its cessation will be reported to all individuals having participated in the review, and to the faculty, in the manner described above.

*viii.* If at any point in the course of a misconduct review, it is found that the faculty member engaged in additional or more severe misconduct, but these actions were not the original basis for the misconduct review, the VPAA/DoF will be informed of the additional evidence and/or allegations. The VPAA/DoF may determine that the original misconduct review will continue for the original actions and that the more recently discovered actions will be treated as a separate allegation, subject to procedures described in section *c*. Alternatively, the VPAA/DoF may determine that the original and newly discovered actions should be considered as a single matter, in which case the original review will be aborted and the combined matter treated as a new allegation, subject to procedures described in section *c*.

*e. Conflicts of interest*

In the interests of maintaining the integrity of the procedures described above, the VPAA/DOF, provost, president, the faculty ombudsperson, and any member of the Promotions Committee will recuse themselves from their roles in these procedures whenever they are charged with professional misconduct in their capacity as a faculty member or face some other conflict of interest.

If a member of the Promotions Committee is recused, the Reappointments Committee will select one of its own members to fulfill the roles of the member of the Promotions Committee under investigation in the procedures described above.

If the faculty ombudsperson is recused, the alternate ombudsperson will fulfill the role of the faculty ombudsperson in the procedures described above.

If an administrator or the president is charged with professional misconduct, then the Board of Trustees will conduct its own hearing to consider whether they retain their administrative position. If the Board rescinds the administrative position and the president or administrator is a tenured faculty member, then they will subsequently be subject to the procedures described in section *c.iv*.

*f. Teaching Ineffectiveness as Possible Grounds for Termination*

Tenure cannot be an impregnable barrier against sanctions for general teaching performance that is judged by competent authorities to be below a minimally acceptable level for the College. The chairs of departments, and the VPAA/DoF bear direct responsibility to take steps to correct seriously defective teaching. If a chair has reason to believe that a faculty member's teaching performance is seriously defective, the faculty member must be directly approached on this matter and be given a written statement outlining the problems. This statement will be prepared by the chair after appropriate consultation with other members of the faculty, professionals outside the College, current students, and alumni. The chair also will consult with the VPAA/DoF in all such matters and a copy of all correspondence with the faculty member will be filed in the Office of the VPAA/DoF.

When there is reason to believe that a faculty member's teaching is seriously defective, the chair will not only advise the faculty member of this judgment, but will meet with them to see if a program can be developed that will correct the problems as perceived. The College will attempt to assist in this program.

If serious problems persist over a period of years and it is the judgment of the chair in consultation with appropriate colleagues that the faculty member has made no successful effort to correct the situation, they may recommend to the VPAA/DoF that action be initiated for a misconduct review as set forth in section *c*. In the case of misconduct related to teaching ineffectiveness, the VPAA/DoF cannot act without departmental recommendation.

*g. Administrative Procedures regarding Potential Violations of the [Non-Discrimination Policy](#).*

Reports related to faculty misconduct that, if proven, may constitute violations of the Non-Discrimination Policy will be investigated according to the procedures outlined in the applicable policy. As described in both policies, the Human Relations Officer (HRO) will provide to the VPAA/DoF a determination as to whether any policy violations have occurred. In these proceedings, complainants and respondents will have an equal right to be accompanied to any related meeting or hearing by an advisor of their choice; to simultaneous notification of the



result of a proceeding; and to timely access to information that will be used during related meetings and hearings.

### **Recommended Sanctions other than Termination for Cause**

If the HRO determines that a policy violation has occurred, and the VPAA/DoF, in consultation with the provost, determines that the severity of the violation does not rise to the level of termination for cause, a sanction (i.e., written reprimand, mandatory counseling, or salary freeze) will be imposed by the VPAA/DoF within 5 days of receipt of the HRO's final finding, after any applicable appeals of the finding have been completed. This time period may be shorter or longer depending on the circumstances, including but not limited to any contractual rights of the parties. Interim measures to protect the parties may be taken while the sanction is being decided, as outlined in the Non-Discrimination Policy. The complainant or the respondent may appeal the sanction following the procedures described in the Non-Discrimination Policy, as appropriate.

### **Recommendation of Termination for Cause**

If the HRO determines that a policy violation has occurred, and the VPAA/DoF determines, in consultation with the provost, that the severity of the violation is such that termination for cause should be considered, the sanction will be determined by the Promotions Committee. Interim measures to protect the parties may be taken while the sanction is being decided, as outlined in the [Non-Discrimination Policy](#). In arriving at a recommended sanction in such cases, the Promotions Committee will follow the procedures for a Misconduct Review (*Faculty Misconduct*, section *d*), with the exception that the purpose of the Misconduct Review is the determination of a sanction, not the determination of a finding. The complainant has the same rights to participate in any such Misconduct Review as the respondent. In arriving at a determination of a sanction, the Promotions Committee will not conduct an additional investigation, but will base their decision on the HRO's finding while also taking the complainant's and respondent's sanction statements into consideration. The Promotions Committee will have 14 days to conduct the Misconduct Review and recommend a sanction and/or other actions as appropriate to the provost. The provost will have 7 days to respond to the Promotions Committee's recommendation, at which point both the Promotions Committee's recommendation and the provost's recommendation will be presented to the Board of Trustees.

If the Promotions Committee and provost do not agree on a recommended outcome, then the Board will conduct a misconduct hearing. In arriving at a recommended sanction in such cases, the Board Hearing Panel will follow the procedures for a Misconduct Hearing (*Faculty Misconduct*, section *d.v*), with the exception that the purpose of the hearing is the determination of a sanction, not the determination of a finding. The complainant has the same rights to participate in any such Misconduct Hearing as the respondent. The Board Hearing Panel, if convened, will have 30 days to arrive at a decision.

If the Promotions Committee and provost agree on a recommended outcome, then the provost will report the allegation and recommended outcome to the Board of Trustees. If the Board accepts the provost's recommendation, then that recommendation will be enacted. Either the complainant or the respondent can, in this case, challenge the sanction by requesting a misconduct hearing by a Hearing Panel of the Board of Trustees. If the Board rejects the provost's recommendation, the Board will conduct a Misconduct Hearing. The Board Hearing Panel will follow the procedures for a Misconduct Hearing (*Faculty Misconduct*, section *d.v*), with the exception that the purpose of the hearing is the determination of a sanction, not the determination of a finding. The complainant has the same rights to participate in any such misconduct hearing as the respondent. The Board Hearing Panel, if convened, will have 30 days to arrive at a decision.

### **Appealing the Sanction**

The complainant and respondent each have the right to challenge the sanction as described in the appeals procedures in the [Non-Discrimination Policy](#), as appropriate.

## C.7. Research Leave Program

### 1. PURPOSE OF THE PROGRAM

Leaves of absence are granted to enhance the scholarly and teaching capacity of the individual faculty member and to promote the general interest of the College.

### 2. BASIC ASPECTS OF THE PROGRAM

**a.** Normally, a minimum of four consecutive academic years (eight consecutive semesters, when the last leave was a semester leave) should elapse before a faculty member becomes eligible for a one-semester leave, and, with the exception of the leaves described in paragraph c. below, five years in the case of a full-year leave. A colleague must have taught full time during the academic year preceding a leave. Exceptions are sometimes made in the case of intervening familial or disability leaves. Tenured colleagues may request that a future leave be split between an accelerated semester leave that occurs after five consecutive semesters of teaching, and a second semester of leave that is taken five semesters later. Departmental and College planning will have top priority in determining any exceptions to the policy of the leave of absence program.

Leaves are granted on the basis of a leave proposal submitted to the dean for faculty development and research (DFDR) and are granted, following approval of the proposal by the DFDR, for one semester and winter term at 75 percent of regular salary during that period, or for a full academic year at 55 percent of regular salary, or, if an accelerated semester leave is approved, for a single semester and winter term at 55 percent of regular salary.

Tenured colleagues may request that a future leave be split between an accelerated semester leave that occurs after five consecutive semesters of teaching, and a second semester of leave that is taken after five semesters of full-time teaching. Colleagues approved for accelerated semester leaves are subject to the requirements of the leave program for a formal leave proposal (see Section 3c. below), and a grant-seeking plan (see Section 2b. below) for each semester. Such split leaves are governed by the salary guidelines for a full year leave, described in section 2b. below.

Requests for accelerated semester leaves are made to the DFDR, at least four semesters in advance of the proposed leave, and must involve a specific research rationale for why such a leave is appropriate to the colleague's research program. The colleague's department chair will be consulted regarding the effect on departmental curriculum, including advising, thesis advising, and other obligations. Departmental and College planning will have top priority in determining whether to approve a request for a split leave. A colleague who splits his or her leave into two semester leaves, and wants winter term off each of those years, must teach 2 winter terms between leaves.

**b.** Colleagues, with the assistance of the Grants and Sponsored Programs Office, are expected to seek outside funding in support of their leave proposals. They are also expected to apply to sources for which they are eligible as determined by the DFDR in consultation with the colleague and the Grants and Sponsored Programs Office. Colleagues should make every effort to apply for grants that total up to 45 percent of salary for full year leaves and 25 percent of salary for semester/winter term leaves. It is understood that the College provides 75 percent for a semester leave and 55 percent for a year's leave. A colleague may not receive more than his or her full salary plus summer support (see sec. e), even when the leave salary is fully supported from external sources.

Once outside funding sources have been exhausted, the College will then consider paying (1) up to 100 percent of regular salary in support of a semester/winter term leave when it is taken after four full years of teaching, (2) 80 percent of regular salary for a full-year leave, or (3) 80 percent of regular salary for a semester leave when it is an accelerated semester leave taken after five consecutive semesters of teaching. The amount of an outside grant to a faculty member, and/or the amount of outside funding plus College funding, will not normally exceed the amount of the faculty member's own regular salary for the year in which the leave is taken. In the case of full-year leaves, if a colleague receives outside funding, the first 20 percent is used to make up the difference

between 80 percent and 100 percent of salary; further outside funding reduces the College contribution accordingly.

**c.** Faculty may become eligible for a full-year leave after four consecutive academic years of teaching. Such leaves are granted at 55 percent of salary, with no increase in salary after outside funding sources have been exhausted, and with no College supplementation of outside funding that the faculty member may receive.

**d.** All faculty who apply for outside funding are required to submit to the DFDR copies of proposals sent to granting sources whether or not the awards involve institutional commitments. The College cannot guarantee leaves to faculty who have applied for and received outside funds for a year in which they are not scheduled for academic leave. However, requests for out-of-sequence leaves may be considered when a colleague is offered an unusual professional opportunity.

**e.** Colleagues who seek funds for summer salary during academic leaves must discuss with the DFDR the impact of these funds, if awarded, on College contributions to the academic year salary. Normally, a colleague may seek summer support of no more than two-ninths of the previous academic year's salary. This amount may rise to 2.5/9ths with permission of the VPAA/DoF.

**f.** When the needs of the department or the College lead the administration to request that a colleague postpone a full-year leave according to the normal rotation, after six years of full-time teaching the automatic amount of salary paid will be 75 percent, rising to 90 percent once outside funding sources have been exhausted. If personal circumstances lead a colleague to choose to put off a leave, the normal funding rules will apply (see a. and b. above). The intent to take a full-year leave after six years must be announced at least three semesters in advance and must be accommodated in departmental planning.

**g.** Normally, a leave of up to a full year for junior faculty colleagues will be scheduled for the second or third year after the first review, if that review is successful and provided the colleague has completed the Ph.D. or the appropriate terminal degree. The leave schedule for colleagues who come to Middlebury with prior service at other institutions will be determined at the time of appointment. Normally, colleagues are expected to teach for at least three years after their initial appointment before they are granted a leave.

**h.** Faculty going on leave may be eligible for partial reimbursement of moving expenses to and/or from the principal place of leave activity. Such grants will be made, upon presentation of proper documentation, at the discretion of the DFDR. They will normally be made only to those faculty members whose research or other leave activity takes place outside Middlebury, and who will be leaving Middlebury for at least three months of their leave. They will not normally be made to those faculty members granted leave to take outside employment. If the budget of a grant won by a faculty member includes funds to support the expenses of relocation, the College's contribution to relocation expenses will be reduced accordingly.

**i.** Any publications that result from a College-funded leave should acknowledge the support of Middlebury College.

**j.** Upon completion of leave, a full report on the faculty member's scholarly activity should be sent to the Office of the Dean for Faculty Development and Research, for inclusion in his or her file. Faculty must submit the report by September 1 following the leave in order to become eligible for future leaves.

### **3. IMPLEMENTATION**

**a.** The needs and resources of the College program, and the ability to plan, will be a major factor in the implementation and maintenance of the leave program. The exact timing of individual leaves is subject to change due to department, program, or college needs.

**b.** The leave program will be administered by the DFDR, who will recommend annually to the president and Board of Trustees faculty members to be granted leaves of absence for the following year. The Educational

Affairs Committee will be consulted regarding the programmatic and staffing implications of a series of leaves and will make recommendations to the VPAA/DoF regarding any leaves to be replaced by outside appointments.

- c. Faculty whose names appear on the leave schedule for the following academic year must submit a leave proposal and a plan for seeking outside funding in support of that proposal to the DFDR no later than August 1.
- d. Department chairs requesting outside term replacements for colleagues on leave must submit their proposals for replacement positions to the dean of curriculum, for consideration by the Educational Affairs Committee, no later than the first Friday in April two academic years before the leave.

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## C.8. Faculty Professional Development

**a. *Professional Consultation.*** At least two terms before the first review (normally during the third semester of teaching), a faculty member on regular appointment will invite the department chair and one other tenured colleague to visit one class each. The faculty member will also discuss progress in scholarship with the chair of the department. Before the end of the term in which these visits occur, the chair will hold an oral consultation with the faculty member about his or her teaching and scholarship, based on the class visits, on the chair's reading of course evaluations, and on the faculty member's progress in scholarship. The other senior colleague who visited classes will be present at this consultation. The dean for faculty development and research (DFDR) will ensure that this process takes place.

**b. *Faculty Professional Development Fund.*** The general purpose of the Faculty Professional Development Fund (FPDF) is to benefit the College by strengthening the faculty in its various professional capacities. The fund supports a wide variety of faculty activities, including: research expenses, travel to research sites, professional conferences and workshops, pedagogical and course development, additional training, and purchase of materials needed for teaching and research (which are not readily available). Up to \$200 may be requested for payment of membership fees to professional organizations. The FPDF not only supports ongoing research, but also may be used by faculty who wish to develop new teaching materials and methods, or who need to develop new skills and expertise (consistent with the College's academic mission).

The fund is administered by the DFDR. Faculty should plan their research and travel activities in advance in order to meet application deadlines. Applications are due a minimum of one month before the travel date or project start date. An application form is available on the [Academic Affairs website](#). A hard copy of the form should be submitted to the DFDR before the appropriate deadline. The application should include a detailed budget. When available, program descriptions for workshops and short courses should be appended to the application.

Travel expenses will be reimbursed for the most economic fare or means: automobile usage at the current mileage rate and air travel at coach or economy rate. The maximum monthly food and lodging allowable expense, when conducting research, is \$3,500. All expenses subvented by a grant must be documented with original receipted bills. When a project involves the hiring of assistants, the jobs must be offered first to Middlebury College students. Faculty members should consult the student employment coordinator in preparing a budget. The coordinator will advertise the position and arrange for interviewing of qualified candidates for the position. Only if no qualified students can be found may others be hired. Recognizing that going to conferences is an important aspect of one's professional activity, but also recognizing that funds are limited and need to be used for an increasing number of professional development opportunities, proposals for travel that include paper, poster, or artistic presentations, serving as discussant, or chairing sessions, will receive greater priority and greater levels of funding than those that do not.

The following activities and expenses will not be supported by the Faculty Professional Development Fund:

1. Journal page charges. A separate, limited fund exists for this purpose. A Scholarly Publication Subvention Fund (SPSF) [application form](#) and bills should be submitted directly to the DFDR.
2. Research leading to the completion of a terminal degree.
3. Personal journal subscriptions.
4. Books.

It must be emphasized that the Faculty Professional Development Fund is not large enough to cover all out-of-pocket expenses for faculty travel and research and that grants from the fund are not an entitlement. It is often necessary to deny some requests and reduce others. Faculty frugality and restraint are essential ingredients in making the fund serve the faculty and the College as well and as fairly as possible.

*rev. 9/6/19*

## C.9. Dependent Care Program for Faculty Professional Development Activity

### *Program Goals*

The Office of the Dean for Faculty Development and Research will reimburse faculty for up to \$450 of documented dependent care expenses (including care of children, aging parents, or other dependents) that result directly from professional development activity such as participation in conferences, travel for research, or visits with collaborators at other institutions. The program is not designed to cover on-going dependent care expenses, but rather to address the additional burdens that flow from professional development activity, particularly activity that takes place away from Middlebury.

### *Guidelines and restrictions*

- The program will cover any dependent care expenses incurred beginning July 1, 2016.
- The total sum for which an individual faculty member can be reimbursed during any single fiscal year is \$450.
- Funds are limited, and will be available on a first-come, first-served basis.
- The program is intended to cover *dependent care expenses*. Examples of qualified expenses include:
  - Cost of enrolling dependents in 'day camps' or organized child care offered by professional conferences.
  - Cost of babysitters or nannies.
  - Cost of extended/additional hours in a child's regular day care center (e.g., child is normally enrolled for 3 days per week, but is increased to 5 days a week during a week in which a parent is attending a conference).
- The program will only cover direct payments for dependent care. It will not cover other costs associated with professional development activity, including (but not restricted to):
  - Travel costs associated with bringing a child to a professional meeting,
  - Per diem for a child at a professional meeting.
- Faculty should submit the application form prior to travel in order to be sure that the arrangements meet program guidelines and that funds remain in the program for reimbursement. Funds are limited, and will be provided on a first-come, first-served basis, so early submission of the pre-approval form is encouraged!
- After the activity has occurred, faculty should submit a reimbursement form (which will be provided once your application has been approved) along with original receipts. A receipt that clearly indicates the dates of service and the amount of the payment **must** accompany all requests for reimbursement. In the case of non-professional child care (e.g., a high school student who is providing babysitting services), a

handwritten receipt will suffice, but it must contain the *name* of the provider, the provider's *social security number*, the *dates* of service, and the *amount* received in payment.

- Reimbursements to the faculty member will be reported as taxable income.

Link to [application](#).

rev. 8/1/16

## C.10. Research Policies

Research involving animals must be approved in advance by the Institutional Animal Care and Use Committee. Contact Professor Catherine Combelles, the committee chair, for procedures and forms.

Research involving human subjects must be reviewed by the Human Subjects Review Committee (Institutional Review Board). The committee's procedures and forms are available at <https://go.middlebury.edu/irb>. Further information may be obtained from Professor Andrea Robbett, the committee chair.

## C.11. Misconduct in Research and Other Scholarly Activities

See [G. Misconduct in Research and Other Scholarly Activities](#).

## C.12. Reprints, Subvention, and Open Access

The College supports the publication and broad dissemination of faculty scholarship in several ways. The College will assist faculty with production costs and reprint costs for scholarly publications through the *Scholarly Publication Subvention Fund (SPSF)*. All requests should be made using the [application](#) available on the Academic Affairs webpage and sent to the Office of the Dean for Faculty Development and Research (DFDR). Additionally, the College shares faculty scholarship through an open access repository.

**1. Reprints.** Assistance will be in the form of the cost of 100 reprints, normally not to exceed \$300 for a single set.

**2. Page Charges, Submission Fees, and Copyright Fees for articles.** There is a maximum grant amount of \$2,000 per article.

**3. Scholarly Books and Artistic Works.** Assistance will be provided (as funding permits) for tenured and tenure-track faculty and faculty whose appointments make them eligible to serve on Faculty Council (as defined by the faculty in November 2013) to cover production costs when an academic publisher requires a subvention as a condition for publication. It may also be used for indexing, copyright or permission fees, or copyediting (i.e., copyediting of the final version of a manuscript after it has been accepted for publication). The funds for copyediting will only be paid to an independently-hired editor (not to the publishing press). The maximum grant amount for each book project is \$2,500 and repayment is not required. Because of the financial pressures affecting the world of publishing, there may be special circumstances that would warrant additional subvention support. Faculty members may also apply to the vice president for Academic Affairs and dean of the faculty (VPAA/DOF) for a loan to cover production costs in excess of \$2,500. Such loans are to be repaid by payroll deduction over a period not to exceed 24 months at an interest rate to be established at the beginning of each



academic year. The remaining terms will be negotiated between the applicant and the VPAA/DOF as part of the application process.

Applications may be submitted at any time and must include a written contract with a publisher (if applicable). The faculty member may not be the publisher, producer, or agent.

[SPSF application](#)

#### 4. Open Access Policy

The faculty members of Middlebury College are committed to broad dissemination of their research and scholarship. Therefore, faculty members grant Middlebury College permission to exercise the copyright in their scholarly articles in order to make those articles freely available. More specifically, each faculty member grants to Middlebury College a nonexclusive, worldwide license to exercise any and all rights under copyright relating to each of their scholarly articles, in any medium, provided that the articles are not sold for a profit, and to authorize others to do the same. Middlebury will grant these rights in turn to the authors themselves, so faculty authors may exercise the same rights. This applies to all scholarly articles authored or co-authored by Middlebury faculty. It does not apply to articles completed before the adoption of this policy, or to articles already under an incompatible licensing or assignment agreement at the time this policy was adopted (May 2016). The granting of this license will have no effect on the copyright ownership of the faculty articles, which remains with the faculty member unless they assign them to another party. This license is revocable at will for individual articles using the process described below.

If directed by a faculty member, the Dean of the Faculty's Office will automatically waive application of the license for particular articles or delay access for a specified period of time. Faculty members may request waivers at any time. A decision to obtain a waiver or failure to submit an article will have no bearing in annual or other reviews of faculty.

Faculty will provide the author's final version of each article to the Dean of the Faculty's Office. Unless the faculty member has obtained a waiver, the Dean of the Faculty's Office will make the article available to the public in an open-access repository. Otherwise, the article will be stored in the repository for archival purposes.

*rev. 7/19/16*

## C.13. Grants & Contracts

**Please note:** In light of ongoing changes in federal regulations and administrative structure, this section may be revised periodically. Please check with the dean for faculty development and research, or the Office of Grants and Sponsored Programs if you have questions regarding administrative policies or procedures.

**1.** The vice president for academic affairs (VPAA), and the dean for faculty development and research (DFDR), have overall responsibility for applications requesting funds from government agencies, foundations, corporations, and other sources. Day-to-day responsibilities are delegated to the Office of Grants and Sponsored Programs, which will work with faculty to assist with grant applications and the administration of funded grants and contracts. When notification of an available program comes directly to a department and the department wishes to make application for a grant, the Office of Grants and Sponsored Programs should be notified of this intent as soon as possible (not later than one month in advance of the closing date for the application). Scheduling should be coordinated with the Office of Grants and Sponsored Programs to allow two weeks for the review of draft proposals in appropriate administrative offices. Direct and indirect costs must be computed following sponsor and Middlebury policies, and, in cases for which matching funds or other commitments are required, the necessary administrative approvals must be obtained.

Awards made as a result of grant or contract proposals submitted by Middlebury faculty are typically legally-binding agreements between the sponsor and Middlebury. The faculty principal investigator or project director (PI/PD) has responsibility for carrying out the approved project on behalf of Middlebury.

**2.** Each research or other project proposal (or preliminary proposal that include an estimated budget or commitment of academic year time or institutional resources) to an outside agency requires a Proposal Endorsement and Tracking (PET) form submitted via the online InfoEd system. The proposal and PET form must first be approved by the chair of the department in which it originates. In this approval the department chair certifies that the proposed project is consistent with departmental and Middlebury objectives and policy, that space and facilities for effective performance are available, and that the individual initiating the proposal and such other personnel as may be required will be available without interference with their academic duties and will be able to perform the research or other project effectively.

**3.** Following approval by the department chair, the research or other project proposal (or preliminary proposal) must then be approved by the dean for faculty development and research. An endorsement from the provost, vice president for Academic Affairs and dean of the faculty, dean of curriculum, director of the sciences, director of the arts, director of the humanities, or the vice president for Academic Affairs and dean of the Schools may also be required. Modifications of the proposal as they may deem necessary or desirable will be made at this time.

**4.** Under some circumstances, it may be possible to include budget lines to pay for released time in a grant application. Faculty who wish to do so must consult with the department chair and dean of curriculum early in the grant conceptualization and writing process so the dean may assess the impact of a reduced teaching load on department and college curriculum. The primary factors in deciding whether or not to allow inclusion of requests for released time in grant applications are the ability of the department to find a replacement if a replacement is authorized and/or the impact of losing a course in the department/college curriculum. The following guidelines apply:

**a.** Winter term course releases are often the easiest for a department to absorb and replace, and should therefore be given primary consideration.

**b.** Having a grant-funded teaching reduction does not reduce obligations in advising, committee service, or chairing departments and programs.

**c.** In order to ensure continuity in the curriculum and equity in course loads, no more than three years out of a five-year period may include grant-funded released time for a given faculty member.

**d.** It is expected that faculty with grant-funded released time will mentor more research students. Wherever possible, funds to pay for student research assistants should be built into grant budgets.

**e.** Faculty compensation for the purpose of the proposal is computed at 18% of the faculty member's annual salary per course release, plus benefits.

**5.** Applications approved by the aforementioned officers must be reviewed by the Office of Grants and Sponsored Programs to ensure compliance with Middlebury and federal government (or other sponsor) requirements. The following guidelines apply:

**a.** Project applications incorporating provisions for extra pay for research or other project work normally will be approved to provide for up to two months of extra work during the summer. One month's summer salary is equal to 1/9th of the annual contract salary for the prior academic year. Exceptions to this policy must be approved by the VPAA/DOF, upon recommendation of the DFDR.

**b.** The budget incorporated in the project application must include applicable indirect (F&A) costs at Middlebury's federally-approved indirect cost rate unless the sponsor or solicitation otherwise limits them. Exceptions to this policy must be approved in advance by the VPAA/DOF.



**c.** All direct costs comprehensively defined will be reflected in the budget incorporated in the project application. When faculty apply for outside funding to support academic leaves, the level of support from the College is understood to be 75 percent of stated salary for a semester leave and 55 percent of stated salary for a year's leave.

**d.** The adequacy of provisions in the proposed budget for equipment, building alterations, power consumption, etc., must be reviewed by the Office of Grants & Sponsored Programs in consultation with the director of budget and financial planning, the director of Facilities Services, and/or other appropriate officials as applicable. and the chair of the department originating the proposal; Provisions for salaries must be made in consultation with the office of the vice president for Academic Affairs and dean of the faculty, and/or director of Human Resources, as appropriate. All applications in which support is requested for the purchase of computers or software or central technology needs must be approved by the associate vice president for Information Technology or designate.

**e.** If the application calls for a cost share to be provided by the institution, the Proposal Endorsement and Tracking (PET) form must include the Middlebury budget from which these funds will come and an authorizing approval.

**f.** If the application calls for purchase of equipment requiring maintenance after a warranty period, there must be a budget to be charged for maintenance.

**g.** All grant proposals must disclose any family relationship between any individuals named in the proposal using the [Family Relationship Disclosure Form](#). No family members may be paid with grant funds unless that relationship was disclosed in the proposal or disclosed to the controller or designee after receipt of a grant award.

**h.** Any "Significant Financial Interest" (as defined by Federal and [Middlebury policy](#)) must be disclosed to the controller at the time of submission. After a grant is funded, significant financial interests must be disclosed at least annually and at any time such a new interest arises. In lieu of the aforementioned requirement, proposals to and grants awarded by any Public Health Service entity including the National Institutes of Health are governed by the [PHS/NIH Financial Conflict of Interest Policy](#) posted on the Middlebury website.

**i.** When applicable, the application and/or cover letter must state that payment of the contract or grant be directed to the controller and disbursements from it made under his or her direction. All accounting and financial reports will be handled by the Office of the Controller (or designate),

**6.** Designated members of the Office of Grants and Sponsored Programs staff are authorized to sign all grant applications on behalf of Middlebury when they are satisfied that all the above conditions have been met. A copy of the complete proposal must be provided to the Office of Grants and Sponsored Programs.

Contract or Grant Agreements resulting from submitted applications must be reviewed and negotiated by the Office of Grants and Sponsored Programs and executed in accordance with [the Policy on Contracting for Middlebury](#).

**7.** Upon receipt of contract or grant funds in response to an application approved and executed as set forth above, all procedures then in effect for disbursement of Middlebury funds from the regular Middlebury budget will apply. Middlebury must be at least as scrupulous in handling external funds as in handling its own funds, and in some instances will be called upon to observe even more meticulous requirements. The project director/principal investigator (PD/PI) will be the budget administrator for the grant and contract, responsible for adhering to the grant budget and these Middlebury policies and procedures.

Commitments to pay for additional personnel must be cleared with Human Resources before such commitments are made. All purchases must comply with Middlebury purchasing and payment policies and procedures in advance of making the purchase commitments. Determination of whether or not proposed purchases or other charges are allowable under the terms of a grant or contract will be made by the Controller or his/her designate, who may require the prior approval of the sponsoring organization.

**8.** Middlebury has a primary responsibility for the scholarly needs of its faculty. Middlebury also recognizes its concern for the continued scholarly productivity of faculty departing for other institutions.

When a departing faculty member requests release of certain research equipment brought to Middlebury through an investigator-initiated research grant, Middlebury will consider release of equipment to the other institution concerned on an individual basis and if:

- a.** The equipment is critical to the investigator's research, and
- b.** It will not or cannot be supplied by the institution to which he or she is going, and
- c.** It is not critical to faculty research at Middlebury, and
- d.** The conditions under which the equipment or funds used to purchase it were secured do not preclude disposition. "Critical" equipment is defined as equipment essential to research personally conducted or directed by the faculty member. The individual requesting the equipment has the responsibility for demonstrating to Middlebury his or her need for that equipment for the continuation of his or her personal research.

*rev. 8/16/19*

## **C.14. Consulting and Outside Employment Policies**

External consulting arrangements by faculty members which will enhance the individual's professional competence and/or provide a community service are encouraged, provided such arrangements do not interfere with the primary responsibilities of the individual to the College. The exercise of good judgment of all concerned is essential in determining what the proper balance of outside commitments against the individual's obligations to the College may be in each case. Faculty must gain the assent of the vice president for Academic Affairs and dean of the faculty (VPAA/DoF) or their designate in advance of making contractual arrangements or continuing commitments. The equivalent of four days per month will be considered the permissible maximum commitment for this type of consulting activity.

Appointments to another institution in an adjunct, lecturer, or part-time capacity while the individual carries a full-time faculty appointment at Middlebury must not be undertaken without prior approval of the VPAA/DoF or his or her designate.

These guidelines apply only during the September through May academic session.

## **C.15. Payment for Faculty Lectures Policy**

From time to time faculty members are asked to present lectures and readings, to participate in panels, to speak with alumni groups, or in other ways to offer their time and professional knowledge to the larger College community. While this kind of activity is always secondary to teaching and research, it is an aspect of community service which the College encourages and honors. Invitations to serve the College in these ways should be considered public recognition of special accomplishment as teachers.

Normally, faculty members are not paid extra for these services, except for Alumni College and off-campus alumni events.

## C.16. Faculty Extra Service Pay policy

### BACKGROUND

Faculty at Middlebury's undergraduate college (hereafter, the College) have regular responsibilities for teaching, research, and service, and they are compensated for these responsibilities with their 9 month institutional base salary (IBS). The regular responsibilities encompassed in IBS are described in appointment letters, job descriptions as posted in original advertisements, and the [Middlebury Handbook](#). At times, faculty members at the College assume various additional responsibilities that are not directly related to their regular responsibilities, or that are in addition to their regular responsibilities; these responsibilities include serving as department chairs or program directors, serving as administrative directors, as well as other additional responsibilities as determined by the VPAA/DoF. Extra service pay is made to faculty as acknowledgement of the additional responsibilities when certain conditions are met. In addition, it is important to ensure extra service pay paid from federally funded awards complies with requirements in Office of Management and Budget (OMB) circular 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

### POLICY STATEMENT

Extra service pay is incremental to the faculty member's 9 month academic year IBS. The extra service pay is considered benefits-eligible taxable income, but the extra service pay itself is not considered part of the faculty member's 9 month IBS.

The VPAA/DoF determines whether an additional responsibility assumed by a faculty member falls within the terms of his/her appointment and is thus included in institutional base salary (IBS) or whether the additional responsibility is eligible for extra service pay.

Extra service pay amounts are set by the VPAA/DoF taking into consideration the IBS rate of pay, amount of additional work performed, and/or consistency with payment for comparable work. For extra service pay charged to federal awards, charges cannot exceed the proportionate share of the IBS for that period, irrespective of the basis of computation.

Intra-institution consulting by faculty is assumed to be undertaken as an obligation under the terms of a faculty member's appointment and requires no compensation in addition to IBS. Extra compensation for intra-institution consulting is only paid in unusual cases, regardless of the funding source. Similar to external consulting, intra-institution consulting requires prior notification and approval by the VPAA.

Extra service pay from a sponsored award from any source should be identified and justified in the original proposal if the circumstances are known at the time. Extra service pay that is paid from a sponsored award must be disclosed and approved in accordance with sponsor requirements, if applicable.

The Contracts & Grants Policy section of the *Middlebury Handbook* states that “*Applications incorporating provisions for extra pay for research work normally will be approved to provide for up to two months of extra work during the summer. One month's summer salary is equal to 1/9th of the annual contract salary for the prior academic year. Exceptions to this policy must be approved by the VPAA/DoF, upon recommendation of the director of the Sciences, director of the Arts, director of humanities or DFDR.*” The VPAA/DoF will consider and approve faculty requests for 2.5 months of grant-funded summer salary when the sponsor allows such requests and there is sufficient documentation for that level of effort.

### EXAMPLES OF RESPONSIBILITIES ELIGIBLE FOR EXTRA SERVICE PAY

- Responsibilities different from or in addition to a faculty member's regular responsibilities that do not interfere with the faculty member's regular responsibilities. Serving as department chair or program director, and serving as an administrative director fall under this example.
- Responsibilities for serving as project director for a limited term project, including projects funded by grants or gifts. Summer salary and serving as project director for a grant-funded program that has

academic year responsibilities fall under this example.

- Responsibilities for teaching additional classes and lectures that are not part of a faculty member's regular responsibilities may, in rare circumstances, be considered as extra service. In most cases, however, course overloads will be addressed by adjusting teaching responsibilities in a future year, as specified in the official teaching expectations.
- Responsibilities for work performed outside a faculty member's department or as part of a separate or remote operation that is in addition to the faculty member's regular responsibilities. Intra-institution consulting, such as a member of one department serving as an external evaluator on a federal grant awarded to another department, falls under this example.
- Additional responsibilities in the event of an extraordinary circumstance that significantly increases workload.

## DEFINITIONS

**Institutional Base Salary (IBS)** is the annual compensation paid by Middlebury for an individual's appointment responsibilities, whether that individual's time is spent on teaching, research, service, or other activities. For faculty members, IBS is based on a 9 months academic year.

**Regular Responsibilities** for teaching, research, service, or other activities are the duties compensated by IBS. Regular responsibilities are described in appointment letters and the [Middlebury handbook](#).

## C.17. Athletics Information for Faculty

### A. The Intercollegiate Athletics Program

**1.** All regularly enrolled undergraduates are eligible for participation in intercollegiate athletics in accordance with the eligibility rules of the following organizations in which Middlebury maintains membership: National Collegiate Athletic Association (NCAA), the New England Small College Athletic Conference (NESCAC), and Eastern Collegiate Athletic Conference (ECAC).

**2. Faculty Responsibility:** The College recognizes that intercollegiate athletics have an important and desirable role in a liberal arts college. The faculty is responsible for seeing that the intercollegiate athletic program is a well-integrated part of the entire educational endeavor. Through the Athletic Policy Committee, the faculty regulates various phases of the intercollegiate athletic program, including athletic schedules and class absences permitted for participation in intercollegiate athletics.

**3.** The Basic Principles governing intercollegiate athletics at Middlebury and all NESCAC institutions follow:

- a. The program in intercollegiate athletics is to be kept in harmony with the educational purposes of the institution.
- b. To maximize opportunities for students to participate in more than one intercollegiate sport and to keep the proper perspective on the role of athletics, limitations are placed upon the number of contests, as well as the starting and terminal dates for practice and competition.
- c. Competing players are to be representative of the student body.
- d. The academic authority of the College is to control intercollegiate athletic policy.
- e. Developing programs will be allowed some latitude within the spirit of the NESCAC Agreement.

**4.** The routine administration of rules regarding intercollegiate policy, as they apply to students, shall be the responsibility of the director of athletics in consultation with the Dean of the College.

**5.** In an effort to provide opportunities for wide participation in intercollegiate athletics, Middlebury maintains, where possible, a junior varsity program, for which all undergraduates are eligible. No student will participate in more contests in any sport than the total number of varsity games scheduled. The Athletic Policy Committee must approve any exceptions to this general rule.

**6. *Limitations of Schedules:*** Competition (in season) starting dates:

### **Fall**

#### *a. Start Date*

*i.* Cross Country, Field Hockey, Soccer and Volleyball: The Tuesday after Labor Day.

*ii.* Golf and Tennis: September 7 or seven calendar days after the start of classes, whichever comes first.

*iii.* Football: The starting date shall be determined by counting back nine Saturdays from the second Saturday in November (with the second Saturday in November counting as one).

#### *b. End Date*

*i.* Cross Country, Field Hockey, Soccer and Volleyball: The end date for regular season competition shall be the second full weekend in November or the day prior to the respective NESCAC Championship, whichever is earlier. (Revised: 4/27/16)

*ii.* Golf, Rowing and Tennis: The first Sunday in November. If November 1 falls on a Saturday or Sunday, then the completion date will be the second Sunday.

*iii.* Football: The second Saturday in November.

### **Winter**

*a. Start Date:* The Friday immediately preceding Thanksgiving.

*i.* Exception - Winter sports may begin on November 15 when the Friday before Thanksgiving falls on November 21 or 22 (and Thanksgiving falls on November 27 or 28).

#### *b. End Date*

*i.* Basketball and Ice Hockey: The end date for regular season competition shall be the first full weekend (Sat-Sun) in March or the day prior to the respective NESCAC Championship, whichever is earlier. (Revised: 4/27/16)

*ii.* All Other Sports: The end date for regular season competition shall be the first full weekend (Sat-Sun) in March or the selection date for the respective NCAA or National Championship, whichever is earlier. (Revised: 4/27/16)

### **Spring**

*a. Start Date:* The second Saturday in March.

#### *i. Exceptions*

1. If spring vacation falls before the second Saturday in March, the starting date would be the first day of spring vacation.
2. Men's and women's lacrosse may begin on the first Saturday in March.
3. Men's and women's tennis may begin on the first Saturday in March when the second Saturday falls on March 14.

*b. End Date:* The second full weekend (Sat-Sun) in May or the last day of classes, whichever is later.

**7. *Limitations on Number of Playing Dates or Events (not including qualifying tournaments or alumni games):*** The institution should determine the optimum number of playing dates or contests, which may be fewer than the maximum number allowed under conference regulations.

**Fall Varsity Scrimmage Dates JV**

Cross-Country	9 dates	0	-
Field Hockey	15 games	1	7
Football	9 games	0	6
Soccer	15 games	1	7
Volleyball	20 dates	1	-
Tennis#	14 dates	0	-
Golf#	16 dates	0	-

# Fall and/or spring combined total not to exceed one season limit

**Winter Varsity Scrimmage Dates JV**

Basketball	24 games*		
Hockey	24 games*	0	12
Indoor Track	10 dates	0	-
Squash	15 dates	0	-
Swimming	11 dates	1	-
Skiing	16 dates		

\* Including preseason scrimmages and vacation games

**Spring(while College is in session) Varsity Scrimmage Dates JV**

Baseball	36 contests	0	-
Softball	16 dates/24 games	0	-
Lacrosse	15 games	1	6
Track and Field	8 events	0	-
Tennis#	14 dates	0	-
Golf#	16 dates	0	-

# Fall and/or spring combined total not to exceed one season limit

**Notes**

**a.** No home athletic contests shall be played before 3:00 p.m. except on Saturdays, Sundays, and holidays or by special permission of the Athletic Policy Committee and the dean of the College. No intercollegiate athletic contests will be scheduled for Monday evenings. Refer to Chapter 3, Section VI. G. Attendance of this Handbook for the "Guidelines for Explained Absences" revised and approved by the Athletic Policy Committee in January 2002.

**b.** The Athletic Policy Committee encourages the scheduling of *JV* athletic contests for Saturdays.

**c.** The total number of *B* or *JV* athletic contests and the number of away games are subject to continual review by the Athletic Policy Committee.

**d.** Throughout the college year, those days following the end of formal classes but before the beginning of the formal examination period, will be considered as class time for purposes of scheduling intercollegiate athletic competitions. No regular-season athletic events may be scheduled during the examination period.

**e.** All candidates for athletic teams must be given a physical screening at the beginning of each season, and no candidate may be a member of any team without a certificate of his or her physical qualifications.

**f.** The College does not assume legal responsibility for the expense in caring for injuries sustained by athletes while training for or participating in athletic competition or intramural activities.

## **B. Guidelines for Handling Athletics-Explained Absences**

The list of scheduled athletics contests you receive several times a year from the director of Athletics has been approved by the Athletic Policy Committee of the faculty (APC) acting under guidelines set forth in the [Middlebury College Handbook](#). This list tells you when legitimate absences from class may be expected by students because they are involved in a sanctioned athletic event scheduled for that date. The APC regards these lists as informative. They are an *explanation* for an absence, but they do not imply that the student is excused from the obligations of a course or the class work missed.

Although faculty members are expected to make their policy on course attendance clear at the beginning of each course, it is the individual student's responsibility to consult with his or her instructor as to the effect of explained absences.

### ***To the Professor:***

Please read the guidelines for students and coaches in the following sections regarding "Explained Absences." Note that it is the student's responsibility to approach you in the first week of the course to identify possible conflicts between their athletics schedule and your course. However, it would be helpful if you, during the first week of classes, remind students of their obligation.

How you handle missed work is entirely up to you. However, it is the College's policy that athletics are an important part of a student's life at Middlebury. There are a number of possible solutions to missed work. For example, if a lab or discussion is missed, the student may be able to attend a different section meeting. If a paper is due, ask that the paper be handed in prior to the student's leaving. If a lecture is to be missed, you may permit the student to record the lecture (with assistance from another student). We do recognize, however, that there are cases for which there is no satisfactory make-up possible. Please do your best to accommodate the student without sacrificing academic rigor.

After a student has approached you, please:

- 1.** Identify work that will be missed.
- 2.** Do your best to find a solution to missed material.
- 3.** Communicate your decision clearly to the student. When a student has approached you at the beginning of a semester regarding conflicts, it is your responsibility to communicate your decision on missed work before the end of the drop/add period.

Please note that if a student is involved in a winter or spring season sport, they may not be aware of scheduling conflicts until the semester or term is underway. Again, it is the student's responsibility to approach you as soon as his or her schedule is set to make arrangements regarding missed work, and it is your responsibility to communicate in a timely manner your decision on how to handle the missed work.

Additionally, at the beginning of the semester, you are encouraged to make students aware of any important class activities that will fall outside the normal class schedule of Monday-Friday 8 a.m.-4:15 p.m. and Monday, Tuesday, and Wednesday 7:30-10:25 p.m.

**Note** that missing a regularly scheduled class for a practice in no way constitutes an explained absence and is not expected or mandated by coaching faculty.

### ***To the Student:***

You should be given a list of dates and times of scheduled games by your coach no later than the first day of classes in any term or semester in which you are involved in a varsity/junior varsity sport, or in the case of winter or spring season sports, by whichever comes first, the first preseason meeting or the first day of practice (November 1 for winter, February 15 for spring). Compare each class schedule with your schedule of games. For any course in which you see a potential conflict between academic and athletic schedules, it is your responsibility to contact the professor during the first week of class, or as soon as the scheduling conflicts are known (for example, in the case of winter season sports that begin late in the fall term) and:

1. Identify times of conflict.
2. Together arrive at an understanding of how missed work/class might be made up.

***Please note:***

1. Professors will do their best to accommodate your needs within reason.
2. The professor will make the final decision as to how the missed work is to be made up. In cases where you approach the professor at the beginning of term, it is the professor's responsibility to arrive at this decision in time for you to drop/add if her/his decision is unsatisfactory to you. There are some cases for which there may be no satisfactory makeup possible.
3. Conflicts with official practices are also possible in the case of special class events, such as a guest lecturer. In such cases, you should discuss the situation with both your professor and your coach, and make a decision with full understanding of the ramifications of your decision.
4. Conflicts should be resolved through discussions between yourself, your professor, and your coach. If there are difficulties, you may consult with your Commons dean.

**Note** that missing a regularly scheduled class for a practice in no way constitutes an explained absence and is not expected or mandated by coaching faculty.

***To the Coach:***

Please read the statements for the students and the professors on the preceding sections and note your role in this process. We ask you to:

1. On or before the first day of each semester, or at the start of the season, give each student on the team you coach the list of contests that conflict with the normal 8 a.m.-4:15 p.m. Monday-Friday and Monday, Tuesday, and Wednesday 7:30-10:25 p.m. class hours.
2. Remind students that it is their responsibility to contact each of their professors and identify potential time/work conflicts.
3. Explain to the students that there may be times when a practice needs to be missed for special class events (such as a guest lecturer). In such cases, the student should inform you of the potential conflict and discuss it with both you and the professor. It is important that students be able to make such decisions concerning conflicts with full information as to the ramifications of their decisions.
4. There will be times when it is in the best interest of the student to attend class rather than a game, and we encourage you to support the student in such a case.

We believe that your role as a coach is very important. Students often look more to their coaches than to their professors for guidance on these issues. It is important that you understand the College policy and do your best to help resolve conflicts between these two very important, but sometimes competing, aspects of students' lives at Middlebury.



***To the Captains:***

As a team leader, you should encourage your team members to meet with professors to discuss possible scheduling conflicts. Please ensure that your team members are aware of these guidelines on explained absences and understand that the process is one of negotiation among the coach, student, and professor.

## **C.18. Special Provisions of Appointment (associate status, release from contract)**

### *a. Associate Appointment*

#### **i. Purpose**

Appointment with associate status is designed to allow particular individuals to reduce their teaching responsibilities at the College for limited periods without interrupting their normal employment. The reasons for requesting associate status may include, for example, the need to fulfill familial obligations, the wish to engage more fully in scholarly or artistic projects (or other forms of professional development), or the wish to reduce one's teaching obligations for a few years before retirement.

#### **ii. Conditions**

With the exception of colleagues nearing retirement (that is, those colleagues who have passed their 60th birthday), faculty on associate status are normally expected to be in residence at the College for the entire academic year and to fulfill normal advising and service responsibilities. Colleagues on associate status who have passed their 60th birthday by September 1 of the academic year in question are required to be in residence during either the fall or spring term. Other faculty members who wish to be excused from normal advising and service responsibilities must apply for a regular leave of absence through the Educational Affairs Committee.

(a) Requests for associate status for purposes of professional development will, if granted, be treated as leaves of absence. Handbook guidelines will govern the eligibility of colleagues granted associate status for future leaves of absence. Tenure-track faculty normally will not be eligible to request associate status for the purpose of professional development until they have undergone a review for tenure. They may request associate status before the tenure review for personal reasons (e.g., familial obligations), however. In the event that a tenure-track faculty's request is approved, the tenure review schedule may be extended one semester for each year on associate status.

(b) Associate status may be requested for a maximum of three consecutive years and, normally, for no more than a total of six years during the period prior to the faculty member's 60th birthday. After the 60th birthday, faculty may remain on associate status for up to five years preceding retirement.

(c) Colleagues on associate status are expected to teach three courses per academic year, maintaining contact hours and enrollments consonant with a 0.6 FTE appointment. Those courses normally will be spread out over the entire academic year, but the administration also will consider requests for associate status that call for teaching two courses in either the fall or spring term and one course taught in Winter Term. If it is beneficial to the department or program curriculum, colleagues may be permitted to teach three courses solely in either the fall or spring term. Normally, a colleague who is on associate status will receive 60% of their full-time salary.

(d) Colleagues on associate status will be eligible for travel and research support from the FPDF.

(e) Requests for associate status of whatever sort will be governed by a goal of maintaining from year to year, and over the years, a student/faculty ratio of 9:1. It should be understood that commitment to a multi-year associate status arrangement may affect the leave patterns of other full-time faculty, both within and beyond the department directly affected by the request.

### iii. Appointment Procedures

A faculty member on regular appointment at any rank may request associate appointment for limited periods of time ranging from a year to a maximum of three years before resuming regular teaching responsibilities. Such requests will be made to the vice president for Academic Affairs and dean of the faculty (VPAA/DoF). The deadline for requesting associate appointment in any given academic year is September 1 of the year prior.

(a) Those requests that seek time off for purposes of professional development will be considered by the Educational Affairs Committee (EAC) as requests for leave without pay. A letter from the department chair and the chairs of any affected programs must accompany each request. This letter should comment upon the proposal and present a strategy for replacing the colleague making the request. Time off or reduced teaching in order to complete a terminal degree will not be considered professional development.

(b) Those requests that seek time off for purposes other than professional development will be considered by the VPAA/DoF or designee, in consultation with the Promotions Committee, and a recommendation will be advanced by them to the president. The EAC will be consulted where staffing implications are involved. A letter from the department chair and the chair of any affected program must accompany each request. This letter should comment upon the proposal and present a strategy for replacing the colleague making the request.

(c) The president, after appropriate consultation with the faculty member's department, the Promotions Committee, and the EAC, will decide on the request. If associate appointment is agreed to, a formal letter of understanding setting forth the conditions of the appointment will be sent by the president (or designate) to the individual faculty member and the department chair. Instructors and assistant professors who move to associate appointment retain the term of appointment current at the time that change is granted. A faculty member who moves to associate appointment after the fourth year of appointment but prior to the review for tenure, and who subsequently fails to be given a tenured appointment, is normally not eligible for continuation as an assistant professor beyond the one-year terminal appointment stated in General Provisions 1.e.iv. Tenured faculty who move to associate appointment retain tenure and are reviewed on the normal schedule.

### *b. Release from Contractual Obligations*

i. The contract of appointment of a member of the faculty of Middlebury College may not be terminated by the College prior to the expiration of the period of appointment except for adequate cause as specified in section c. below or under extraordinary circumstances because of serious financial emergency.

ii. The contract of a member of the faculty may be terminated if the faculty member himself or herself requests release. In order to receive consideration, the request must be presented in writing to the VPAA/DoF, and it should call for an effective date coinciding with the concluding date of the academic year so as to avoid disruption of the work of the College. The request should be dispatched early enough to be in the VPAA/DoF's hand no later than the July 1 preceding the effective date if the faculty member concerned is a professor or associate professor; no later than August 1 if they are an assistant professor or instructor or lecturer. Waiver of these dates may be granted by the VPAA/DoF upon specific request in writing if, in their judgment, compliance with them would impose hardship upon the faculty member.

## **C.19. Administrative Appointments - Terms/Conditions**

### **TERMS AND CONDITIONS OF ADMINISTRATIVE APPOINTMENTS**

Vice presidents, deans, chairs, program directors, and heads of administrative departments are appointed by the president and continue in office at the pleasure of the president. In normal cases, such appointments are for a specified term, regularly from three to five years. Appointments take effect on July 1 and continue until June 30 of the year of termination.

Appointments may be renewed by the president or terminated by either the president or the appointee, but, in any event, all such appointments will be reviewed by the president upon expiration of the stated term.

At the time a department chair is to be appointed, the vice president for Academic Affairs and dean of the faculty will consult with all members of the department to solicit their suggestions and judgments about possible candidates.

## C.20. Leaves of Absence (nonacademic)

Leaves for the purpose of research are described in a separate [section](#).

### Leaves of Absence and Leave Pay Options (nonacademic)

During the course of their careers, faculty members may need extended time off for reasons such as a new baby, to care for an ailing family member, for one's own medical condition, or for personal reasons. Middlebury provides a number of generous paid leave options - as well as unpaid options - to support benefits-eligible faculty during such life events. As described below, special income benefits are available for new parents (paid parental time) and for faculty members prevented from working by illness or injury (short-term disability and long-term disability). In addition, faculty accrue Faculty Leave Reserve (FLR) which can be used for a variety of purposes such as to provide pay when a leave is needed to care for a family member or to supplement partial pay received under one of the special paid leave benefits.

#### Notes:

*Any faculty member on ongoing appointment is eligible to apply for leave in order to meet familial responsibilities. Normally, only one year of familial leave will be allowed outside the regular scheduling of reviews for reappointment, promotion, and tenure. The College will do its best to honor leave requests, but it is incumbent upon the individual wishing such a leave to apply early enough so that the department affected may have time to plan for a replacement or make other arrangements to cover classes.*

*When reviewing this section of the handbook it is important to keep in mind the distinction between a leave of absence and pay. A leave of absence is simply approval to be relieved of work duties for a period of time and is, by default, unpaid time. However, Middlebury offers a number of benefits that can be used to provide a faculty member with pay during an approved leave of absence. Therefore there is a two-part determination when a faculty member requests paid time off. First, a decision by the vice president for Academic Affairs and dean of the faculty (VPAA/DoF) as to whether (and to what extent) the individual is entitled to be released from work, and second a decision - which, depending on the benefit under consideration can fall under the purview of the VPAA/DoF, Human Resources, or Middlebury's insurance carrier - as to whether the faculty member is entitled to pay and/or continuation of benefits while relieved of duties.*

### Family and Medical Leave Act

The federal Family and Medical Leave Act (FMLA) and similar state leave laws entitle eligible faculty members to unpaid leaves of absence for: the foster placement, birth or adoption of a child; care of self or certain family member(s) with a serious health condition; certain exigencies arising from a family member's call to active military duty; or to care for a family member injured while on active military duty. (See the [Employee Benefits chapter in the Middlebury Handbook](#) or contact Human Resources for more information.) While the federal law provides for a period of unpaid, job-protected leave, as explained below Middlebury has several benefit programs and policies that provide for pay during certain FMLA-qualifying leaves.

### Faculty Leave Reserve (FLR) Pay

Effective July 1, 2017 each benefits-eligible faculty member has a Faculty Leave Reserve (FLR) account; accrued FLR hours can be accessed to provide paid time off for a variety of needs. Faculty accrue 1.54 hours of FLR time each pay period, which results in the addition of one week (40 hours) of FLR time per year of full-time work (accruals are pro-rated for part-time work, except that during FMLA leaves and sabbaticals accruals are not reduced.) *Faculty members hired prior to July 1, 2017 were credited with a beginning balance of one week of FLR for each year of full-time service up to that date.*

Accrued FLR can be used for any of the following reasons:

- Pre- and post-parental-leave portion of semesters for new parents, should they wish to remain fully on leave instead of resuming non-teaching responsibilities.
- To augment the 60% pay received from either the short-term or long-term disability benefit plans and thus remain at full salary.
- Pre- or post-disability portions of semesters when a faculty member has no active disability, arrangements are in place for someone else to cover teaching, and full-time nonteaching duties are not available.
- Any sort of family leave that would qualify as FMLA time.
- Any reason that would qualify under the Vermont Earned Sick Time [1] law.

Faculty members wishing to use FLR pay will coordinate the request for time off with the VPAA/DoF and then work with Disability/Leave Specialist in Human Resources who will adjust the FLR balances to reflect time used. Faculty members with five or fewer years of service may be allowed, at the discretion of the VPAA/DoF, to go into a negative FLR balance should needs arise that otherwise qualify for FLR but for which a sufficient balance has not accrued. In no event will the new faculty member be able to have a negative balance of more than 200 hours.

Faculty members out on leave who have exhausted their FLR balances (except for certain new faculty, as described above) will be unpaid unless they qualify for short-term or long-term disability, in which case they will be partially paid, typically at 60% of their base salary.

At **retirement** any accrued, unused FLR time will convert to College-paid medical and dental coverage, as described in the Middlebury College Health and Welfare Summary Plan Description. There is no option to cash-out FLR under any circumstances or to use it for any purpose not specifically covered by the policy.

*[1] The Faculty Leave Reserve Policy complies with the Vermont Earned Sick Leave Law, 21 V.S.A. §§ 481-486 which requires limited paid time away from work for: physical or mental illness, preventative care, or to arrange services related to domestic violence or sexual assault. Time can be for the employee's own need or the needs of: a parent, spouse, child, sibling, parent-in-law, grandchild or foster child.*

## Parental Leaves/Parental Pay

### Introduction

Middlebury recognizes the critical importance of bonding time during the period following the birth or adoption of a child. While the federal Family and Medical Leave Act guarantees up to 12 weeks of leave, FMLA is unpaid. In order to provide financial support for faculty members who are welcoming new children to their families Middlebury has several options for paid time, which can be used in conjunction with FMLA time. Available options include: Paid Parental Time, Faculty Leave Reserve, course releases, and – for birth mothers - Short-Term Disability Pay.

### Paid Parental Time Eligibility

Paid Parental Time is available to benefits-eligible faculty members while serving as the primary caregiver for a period of time during the first 12 months following the birth or adoption of a child. The definition of 'primary care-giver' will vary across family situations, but typically means that throughout the period of Paid Parental Time the parent has principal responsibility for the child for a significant portion of each work day during the

work week. In the case of adoptions the benefit applies only when the child being adopted is less than 18 years of age.

## **Paid Parental Time Benefit**

The amount and timing of Faculty Paid Parental Time will vary depending on whether or not the individual applying for the benefit is scheduled to teach during the leave/pay period and whether or not both parents are employees of Middlebury College. The most common scenarios are described below. When situations arise which do not fall into one of these categories, and when unexpected complexities arise, VPAA/DoF, in their sole discretion, will decide to what extent to adapt the Paid Parental Time benefit.

### **Primary Caregiver Scheduled to Teach**

When a child is expected to be born or adopted during a semester in which the parent is scheduled to teach, the faculty member will be relieved of **teaching** duties for the entire semester. Specifically:

When the parent/faculty member is **not** also the birth mother:

- During the first 6 weeks post-birth/adoption a faculty member who is not also a birth mother will not be expected to perform **any** duties, and will receive full salary.
- For the remainder of the semester the faculty member can elect to:
  1. Continue or resume non-teaching duties such as committee work, administrative work, academic advising, and supervision of senior work, in which case he or she will continue to receive full pay, OR
  2. If the faculty member is eligible under the Family and Medical Leave Act (FMLA) he or she can elect to continue leave with no duties generally for up to an additional 6 weeks (contact Human Resources for details), in which case he or she can:
    - a) Use accrued Faculty Leave Reserve to maintain pay, OR
    - b) Be placed on unpaid leave with benefits.

When the parent/faculty member **is** the birth mother:

- During the post-birth period the birth mother is eligible for 6 weeks Paid Parental Time (paid at 100% pay) PLUS a period (typically 4 to 6 weeks) of Short-term Disability Pay (at 60% pay) during which time she will not be expected to perform **any** duties. A faculty member can opt to “supplement” the 60% STD pay with accrued FLR pay to receive up to full salary during the disability portion of the leave.
- For the remainder of the semester the faculty member can elect to:
  1. Continue or resume non-teaching duties such as committee work, administrative work, academic advising, and supervision of senior work, in which case he or she will continue to receive full pay, OR
  2. If the faculty member is eligible under the Family and Medical Leave Act (FMLA) he or she can elect to continue leave with no duties generally for up to an additional 6 weeks (contact Human Resources for details), in which case he or she can:
    - a) Use accrued Faculty Leave Reserve to maintain pay, OR
    - b) Be placed on unpaid leave with benefits.

The following guidelines should be used to determine which semester(s) faculty may be released from teaching duties in the event of a birth or adoption under the policy for faculty scheduled to teach:

### **For birth or adoption that is expected to occur: Semester(s) released from teaching:**

October 1 - November 30

Fall & Winter Term

December 1 – January 31

February 1 – May 15

May 16 – September 30

Winter Term &amp; Spring

Spring

Fall

### Primary Caregiver NOT Scheduled to Teach

If the faculty member is not scheduled to teach by reason of academic leave, administrative appointment, or other reason, he or she will be eligible for up to 6 weeks of Paid Parental Time after the birth or adoption, assuming he or she will be the primary caregiver during this period. If the faculty member is eligible under the Family and Medical Leave Act (FMLA) he or she can elect to *continue leave with no duties* generally for up to an additional 6 weeks (contact Human Resources for details), in which case he or she would be placed on unpaid leave with benefits, OR can opt to use Faculty Leave Reserve to maintain paid status. Birth mothers will also be eligible for an additional period of Short-Term Disability pay.

### Both Parents Employed by Middlebury College

**Two-Faculty Couples:** In situations in which both parents are Middlebury faculty, and both are eligible under the College's Paid Parental Time policy, the faculty members will allocate between themselves, in consultation with the VPAA/DoA, a maximum of **12** weeks of Paid Parental Time. This means, in situations in which one parent receives a full-semester of paid leave, the other parent will *not* be eligible for Paid Parental Time. However, in this case the parent receiving the full semester leave will not be expected to resume non-teaching duties after 6 weeks or use Faculty Leave Reserve; instead he or she will receive a full 12 weeks of Paid Parental Time with full work release.

In cases where neither parent is receiving the full semester leave (because of academic leaves and/or administrative appointments, for example), each may take up to 6 weeks of full Paid Parental Time, with no duties required. The timing of the leave for the first parent to take a leave will obviously be tied to the date of the birth or adoption of the child. However, the timing of the Paid Parental Time (if any) for the second parent/employee is at the discretion of the VPAA/DoA, and would generally be timed so as not to disrupt a full academic semester. (Many secondary Paid Parental Time leaves will be granted during J-Term, for example.) As an alternative, the second Faculty parent could request a course release to be used within 12 months of the birth/adoption. Approval of a course release would be at the discretion of the VPAA/DoA.

*In either case the birth mother will also be eligible for an additional period of paid Short-Term Disability pay.*

**Faculty/Staff Couples:** In situations where one parent is a member of the faculty and the other of the staff there are several possible scenarios for the Faculty parent:

- **Faculty Parent who is scheduled to teach takes the initial leave:** A faculty member who is scheduled to teach during the semester in which the new child arrives/is scheduled to arrive will be eligible for a teaching release and pay as described in the “*Primary Caregiver Scheduled to Teach*” section, above.
- **Faculty Parent who is NOT scheduled to teach takes the initial leave:** A faculty member who is not scheduled to teach by reason of academic leave, administrative appointment, or other reason, and who will be the initial primary caregiver will be eligible for up to 6 weeks of Paid Parental Time immediately after the birth or adoption. If the parent is also the birth mother she will be eligible for an additional period of Short-Term Disability pay.
- **Faculty Parent who takes a leave after the staff parent has used Staff Paid Parental Leave:** When the staff parent takes parental leave first, a faculty spouse/partner (who subsequently qualifies as the primary caregiver) may take up to 6 weeks of fully paid parental leave, with no duties required. However, the timing of this Paid Parental Time leave is at the discretion of the VPAA/DoA, and would generally be timed so as not to disrupt a full academic semester—during J-term, for example. As an alternative, the Faculty parent could request a course release to be used within 12 months of the birth/adoption. Approval of a course release would be at the discretion of the VPAA/DoA.

*In all cases a faculty member qualifying under the FMLA or similar state law is entitled to up to 12 weeks of leave within a year of the birth/adoption. Such leave can be a combination of Paid Parental Time, Short-Term Disability pay, FLR, course release time, or unpaid time.*

### **Adoptive families**

Recognizing that it can be very difficult to predict precisely when placement of a child will occur the VPAA/DoF will work closely with faculty who are adoptive parents to apply the provisions of this policy to their particular circumstances. Generally speaking, faculty who have not made previous arrangements for work release under this policy but receive their child within semester during which they are teaching, can elect to be relieved of all non-teaching duties immediately upon the arrival of the child, provided they qualify as primary caregiver. In these cases, the faculty member would be granted Paid Parental Time in the subsequent semester, under the terms described above. *In all cases a faculty member qualifying for FMLA leave is immediately entitled to up to 12 weeks of unpaid FMLA leave, and may use accrued FLR, in addition to the Paid Parental Time described above.*

### **Effect of Leave on Tenure Review Schedule**

If a faculty member in a regular appointment is released from teaching for a parental leave under this policy, that faculty member's review schedule will be postponed by one semester, unless the faculty member requests that the schedule not be so postponed.

### **Other Unpaid Leaves**

Faculty members on ongoing appointments are eligible to apply for leave for personal reasons. Such leaves are without pay and benefits and will usually last for a minimum of one semester and a maximum of one year. Normally, only one year of personal leave will be outside the regular scheduling of reviews for reappointment, promotion, and tenure.

The College will do its best to honor such requests, but it is incumbent upon the individual wishing such a leave to apply early enough so that the department affected may have time to plan for a replacement or make alternative arrangements for covering classes.

### **Vermont Earned Sick Time (VEST) for *Non-regular* Faculty**

Faculty members who are otherwise classified as **non-benefits-eligible** are provided with a paid time off benefit under the Vermont Earned Sick Leave Law, 21 V.S.A. §§ 481-486. VEST allows for certain paid time away from work for: physical or mental illness, preventative care, or to arrange services related to domestic violence or sexual assault. Time can be for the employee's own need or the needs of: a parent, spouse, child, sibling, parent-in-law, grandchild or foster child. See the [VEST Policy in the Middlebury Handbook](#) for details.

## **C.21. Disability**

### **Introduction**

Faculty who find that they need a leave of more than three days for medical reasons should arrange to meet with or otherwise contact the VPAA and/or DoF as soon as possible.

Middlebury College provides two income replacement programs for faculty members unable to work due to disability. The VPAA and/or DoF will work with the faculty member and Human Resources to make any necessary FMLA leave and disability pay arrangements and to ensure a smooth transition for the faculty member to and from disability status.

Short-term Disability Pay

Middlebury provides a self-insured, employer-paid short-term disability (STD) benefit which is accessible by faculty members prevented from working due to a qualifying illness or injury. After a two-week elimination period STD pays 60% of pre-disability wages\* for up to 26 weeks. Full details on the benefit can be found in the Middlebury Health and Welfare Summary Plan Description (available on-line or from the Human Resources Office).

Long-term Disability Pay

Middlebury provides a fully-insured, employer-paid long-term disability (LTD) benefit which is available to faculty members unable to work for an extended period of time. LTD provides income replacement of 60% of pre-disability wages\* during a qualifying and approved disability (see the Middlebury College Health and Welfare Benefit Plan Summary Plan Description or contact Human Resources for details about this plan).

*\*In order to receive disability pay a faculty member **must** file a disability application (available from the Human Resources Department) in a timely manner; failure to do so will result in a delay or even loss of eligibility for income replacement benefits.*

Supplementing Disability Pay using Faculty Leave Reserve

Faculty may arrange to use accrued Faculty Leave Reserve to augment the 60% short-term or long-term disability income replacement benefit as well as during the elimination period for STD, thus remaining at full salary. Arrangements to do so can be made through the Disability/Leave Specialist in the Human Resources Department.

Timetable of Disability Pay, Benefits, and Status

Many factors, such as a faculty member’s length of service, current benefit elections, full or partial disability status, etc. can affect the timeline of pay, benefits, and faculty status during a period of disability. The VPAA and/or DoF and Human Resources work together to communicate specific timeline information to faculty members unable to work due to a medical condition. The chart below illustrates the most straight-forward scenario: it assumes a faculty member with multiple years of service, tenure/tenure track status, current enrollment in employee benefits and full (not partial) disability.

Sample Disability Timeline (Tenure or Tenure Track Faculty Only)

Time	Faculty Status	Pay	Benefits Eligibility	FMLA Coverage
(from onset of disability)		(level and source)		
		100% of salary:		
0-3 months	Active, on medical leave	Short-Term Disability pays 60% of weeks 3-12, use accrued Faculty Leave Reserve to bring to 100% of pay for full period of disability	Regular employee benefits continue	FMLA period



		100% of salary:			FMLA ends when individual has been absent from work for 12 weeks
3-6 months	Active, on medical leave	<i>Short-Term Disability pays 60% throughout, use accrued Faculty Leave Reserve to bring to 100% of pay</i>	Regular employee benefits continue		
6-12 months	Active, on medical leave	60% of salary paid by LTD; up to 40% covered by accrued Faculty Leave Reserve	Regular employee benefits continue	Not available	
12-24 months	Transitional status, on medical leave	60% of pre-disability wages paid by LTD, if approved. Use available accrued Faculty Leave Reserve for up to 40% of pay. If LTD or FLR are unavailable leave will be unpaid	Regular employee benefits continue.	Not Available	
>24 months	Disability retirement status or termination	60% of pre-disability wages paid by LTD, if approved, until normal retirement age or no longer disabled	Benefits eligibility ends - termination of regular benefits upon retirement of termination. Refer to the “Retiring from Middlebury” information page for more information. No longer considered “actively employed” under LTD and Life insurance policies. Life Insurance may be converted, ported or may qualify for Life Waiver of Premium.	N/A	

*This chart is provided for illustrative purposes only. Specific circumstances should be discussed with the VPAA and/or DoF and Human Resources.*

## C.22. Death Benefits

### In the Event of Death

In addition to whatever life insurance payment the family of a deceased faculty member may be entitled to under the College's life insurance program, the College will normally provide a Survivor's Death Benefit in an amount equal to:

<i>Years of Continuous Full-Time Service (as Determined by the VPAA/DoF)</i>	<i>Maximum Months Salary</i>
less than 5	three months
5 – 10	four months
10 – 20	five months
20 or over	six months

The Survivor's Benefit will be made, by lump sum payment, to the faculty member's surviving spouse, civil union partner, or domestic partner (as documented in the College's Office of Human Resources). If the faculty member has minor children, but no spouse/partner, the benefit will be paid for the benefit of the minor children. *Faculty members without spouses/partners or minor children are not eligible for this benefit.*

## C.23. Housing Programs

Middlebury College Employee Benefits are described in the Employee Handbook chapter of the College Handbook. Because faculty are employed on a contractual basis, specific provisions relating to vacation and sick leave as stated in the Employee Handbook chapter may not be applicable to them. Conversely, faculty may be eligible for specific provisions that are not applicable to general employees.

### College Rental Program

The purpose of the Middlebury College rental program is to provide temporary housing for faculty and certain administrative staff positions at the time of hire. Housing is meant to be short-term in duration. This policy is outlined below.

Approved tenured and tenure-track faculty tenants can stay in College house for a maximum of 8 years or the end of employment with the College whichever comes first. All other approved tenants can stay in College housing a maximum of 2 years.

All rental relationships are governed by a lease, require a security deposit and the rents are collected by payroll deduction. Most housing units require the tenant to pay some or all of the utilities. Middlebury Town water and sewer charges are billed to the College and may be rebilled to the tenant by the College according to the lease.

Available housing is listed on the Business Services website. Please do not ask to tour occupied houses. Housing is allocated by a lottery process each year in the spring. All leases end on June 30, and are normally written for one year at a time with the option to renew. The first year of a rental will normally begin in mid-August.

The College attempts to operate its rental housing on a break-even basis, which in practice means that it is planned that anticipated income and projected expenses be equal for each fiscal year.

Rents are based on the services and utilities provided real estate taxes, maintenance expenses and the local rental market. The College rents are designed to be at local market rates.

Tenants must carry their own renters' insurance to protect their own contents and provide liability coverage.

### Mortgage Program

Middlebury College has a second mortgage program to assist faculty in the purchase of their first home in the Middlebury area. The second mortgage must be closed simultaneously with the first mortgage at the time of the initial home purchase. The home must be within 40 miles of campus; exceptions to this policy must be approved by the chief academic officer. Faculty eligible for this program include tenured faculty; tenure track faculty who have passed their first review; and physical education faculty with five years of service.

The National Bank of Middlebury (NBM) is the College's partner in this mortgage program.

The NBM will administer, underwrite, close, and hold the second mortgages. The College will collect the payments and subsidize the interest rate on a monthly basis. The new loans will be up to \$240,000 or the amount of the first mortgage, whichever is less, have a term of not more than 30 years (but in no event can the term be longer than the term of the first mortgage), a loan to value ratio (first and second mortgages) of 90% or less, and be payable biweekly. The bank will record all interest paid and issue an IRS form 1098 based on the full bank payment. The College and borrower will enter into an agreement, where the College will provide a discount on the second mortgage rate payable to the bank on behalf of the employee every two weeks. **This subsidy will be a taxable benefit to the employee.**

The amount of the subsidy will be the difference between the NBM loan payment and a payment determined at 2% below the rate on the employee's first mortgage with a minimum mortgage rate not less than 2%.

Faculty interested in participating in the mortgage program should contact the Business Services Office, 802.443.5504.

## **C.24. Miscellaneous Policies**

### **1. FYSE ENTERTAINMENT ALLOWANCE**

Each FYSE has a course enrichment budget of \$250. In addition, the program provides \$100 for social interactions with seminar students. Requests for reimbursements should be submitted through Oracle using the appropriate EDORDA for the expense.

### **2. PROGRAM ENRICHMENT FUNDS**

Funds are budgeted each year earmarked for lectures, co-curricular programs specific to your department, and student research expenses. The dean of curriculum administers the budget. All expenses (honoraria, travel, entertainment, etc.) must come from this assignment. Vouchers, signed by the department chair, may be submitted directly to the Accounts Payable Office.

### **3. STUDENT ASSISTANTS**

Undergraduates assisting in such academic work as correcting and reading papers and assisting in laboratories must first be approved by the chair of the department, who may consult with the VPAA/DoF in these matters.

### **4. COMMENCEMENT AND CONVOCATION**

On Convocation and Commencement days all members of the faculty are invited and encouraged to participate in the academic ceremonies. Those faculty members not owning caps and gowns for the academic procession may rent them through the College Store. The College will pay the rental fees for caps, gowns, and hoods for untenured faculty. Orders should be given at least six weeks in advance of Commencement weekend. Academic regalia may be purchased by the faculty through the College Store; a payroll deduction loan program is available to do so. The College will purchase academic regalia for newly tenured faculty if they do not yet own regalia.

### **5. ELECTRONIC DEVICES IN CLASSES**

Except for students whose needs are recognized by the College ADA office, the use of electronic devices (laptops, iPhones, Blackberries and other smart phones, etc.) by students in classes is subject to the approval of the instructor. At any point in the semester, the instructor may choose to prohibit or limit the use of such devices by students without needs recognized by the ADA. The instructor's decision should be made clear to the entire class, in verbal or written form.

### **6. RECOMMENDATIONS FOR MERIT**

At an annual salary consultation, department chairs will advise the VPAA/DoF in interpreting annual faculty salary forms. Faculty members may be recommended for salary increases based on continuing excellence in teaching effectiveness, scholarly and/or creative activity and contributions to the work of the College.

Department chairs will call the VPAA/DoF's attention to faculty members who have distinguished themselves in at least one of these areas by notable or exceptional achievements within the previous year.

### **7. FACULTY PARTICIPATION IN A PRESIDENTIAL SEARCH**

In the event of a presidential search, the faculty will elect three tenured representatives who will be available for service on a search committee. These elections will follow the same rules as those for the Promotions Committee, but with the inclusion on the ballot of associate professors, and will take place within six weeks from the date of announcement of a presidential search. Colleagues who do not wish to be elected can withdraw their names from the initial ballot. [Voted as advisory to the administration in April 2012]

## C.25. Policy on Consensual Relationships Between Faculty and Staff Members and Students

The integrity and trust of the faculty-student relationship is central to Middlebury's educational mission. Amorous relationships, defined as any dating, sexual, or other romantic relationship of any length between a faculty member and a student, even if they are not directly in any advisory or teaching role, involve a power differential, and therefore raise serious questions about unfair grading or other imbalanced evaluation practices, conflicts of interest, favoritism and bias. These concerns have an adverse impact on the educational environment of other students, as well as the student directly involved.

A seemingly consensual relationship between any employee with a student may meet the legal definition of sexual harassment, as lack of mutual consent may be inferred from the power differential between the employee – whether faculty or staff – and a student. Accordingly, amorous relationships between all Middlebury employees – faculty and staff – and all students enrolled in any Middlebury program are prohibited.

In exceptional cases falling outside of the anticipated scope of this policy, such as a relationship between an employee and a graduate student in an unrelated Middlebury program, exemptions to this policy may be granted by the Vice President for Academic Affairs/Dean of Faculty ("VPAA/DoF"), or their designee(s), for faculty members, and the Vice President of Human Resources ("VPHR"), or their designee(s), for staff members. Any employee, whether faculty or staff, who wishes to request such an exemption, shall submit a written statement to the VPAA/DoF or the VPHR, as applicable, explaining the reasons for the request. The VPAA/DoF or the VPHR will consult with the student and then respond in writing to the faculty or staff member with their decision and any conditions of approval that may apply, as applicable.

Questions about this policy shall be directed to the VPAA/DoF for faculty, or the VPHR for staff.

If Middlebury receives information that a faculty or staff member has violated this policy, the procedures laid out in the applicable misconduct policy shall be followed. If the employee is found to have violated this policy, the faculty or staff member will be subject to all appropriate discipline, including termination, consistent with the procedures of the applicable policy.

## D. Employee Handbook

**Please select from the following content:** 

- [1. Introduction](#)
  - [1.1 Introduction](#)
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  - [1.3 Middlebury College Offers](#)
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# 1. Introduction

Please select from the following content:

- [1.1 Introduction](#)
- [1.2 Middlebury College Expects](#)
- [1.3 Middlebury College Offers](#)

## 1.1 Introduction

The Employee Handbook is designed to provide all employees with clear, concise, and accessible information about employment at Middlebury College. Throughout the Handbook are links to specific College policies, procedures or related information.

The Handbook is intended solely to provide guidance on the mutual expectations shared by the College and its employees. It is not an employment contract and does not create any type of contractual obligations. Neither the employee nor the College is bound to continue the employment relationship if either, at any time, chooses to end it.

The College reserves the right to change, revise, or eliminate any of the policies described herein.

As faculty members are employed on a contractual basis, some of the policies and provisions contained herein are not applicable to them. Provisions applying solely to the faculty are described in the [Faculty chapter](#) of the College Handbook.

The College employs U.S. citizens and non-U.S. citizens abroad and in states other than Vermont. The terms of employment for all employees will be governed by the provisions of the College's Employee Handbook (which is amended from time to time; see Employee section at <https://handbook.middlebury.edu>), except where: 1) such provisions conflict with the specifically-applicable law of the country or state of employment; 2) such provisions conflict with a specific contract or appointment letter issued to an individual employee; and/or 3) the College determines that the application of a particular provision in a particular circumstance would not be appropriate, given the employment context at issue. The College will comply with the employment law of the country or state in which an employee is employed, and will comply with U.S. law in employing employees abroad, to the extent that U.S. law applies specifically to such employment.

While the Employee Handbook provides much detail, it does not cover every situation. Questions about the information should be directed to Human Resources at ext. 5465.

## 1.2 Middlebury College Expects

The College expects employees to accomplish their tasks and duties competently and responsibly. The College has provided resources to assist employees in the successful execution of their position responsibilities. If work problems arise, employees are asked to contact their supervisors, a representative of Human Resources, a member of the Staff Council, or an ombudsperson.

An attitude of cooperation and goodwill benefits everyone, in work and in the contacts with students, alumni, and visitors to the campus.

Middlebury College expects all employees to abide by the [Code of Conduct for Employees](#) policy.

## 1.3 Middlebury College Offers

The College seeks to provide its employees with job satisfaction and opportunities for personal and professional growth.

In addition to the usual group benefits such as medical, life, and disability insurance, the College offers other benefits such as the use of the athletic facilities, including the swimming pool, tennis courts, fitness center, and free or reduced admission to athletic events, concerts, and various campus events.

## 2. Employment

Please select from the following content:

- [2.1 Equal Employment Opportunity Policy](#)
- [2.2 Americans with Disabilities Act \(ADA\)](#)
- [2.3 Basic Information about Employment at Middlebury College](#)
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### 2.1 Equal Employment Opportunity Policy

Middlebury College complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law.

Middlebury College will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

See also the full text of the College's [Nondiscrimination Statement](#).

Retaliation against any person who has in good faith filed, supported, or participated in an investigation of a complaint of any type of discrimination or harassment as defined by College policy is prohibited. Employees are encouraged to report suspected violations of this policy to their manager(s) and/or the [Office of Human Resources](#) and/or the [Human Relations Officer](#) for prompt investigation and response. Discrimination, harassment, and retaliation complaints are processed in accordance with the procedures set forth in the College's [Anti-Harassment/Discrimination Policy](#).

## 2.2 Americans with Disabilities Act (ADA)

Middlebury College recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), the ADA Amendments Acts of 2008 (ADAAA), and similar state laws, which are designed to eliminate discrimination against qualified individuals with disabilities. The College does not discriminate against qualified individuals with disabilities in any aspect of the employment relationship, and does provide reasonable accommodations as required by law to otherwise qualified employees or applicants with disabilities. Employment opportunities or privileges will not be denied to an otherwise qualified employee or applicant because of the need for reasonable accommodation of the individual's disability. Discrimination based on an employee's or applicant's association with a disabled individual is also forbidden. Employees with ADA-related concerns should contact Human Resources.

*See also this website:*

[Middlebury College Human Resources Procedures: ADA Compliance](#)

## 2.3 Basic Information about Employment at Middlebury College

### Hiring

Human Resources confirms by letter all appointments as well as all promotions, job transfers, and changes in employee status. Before being placed on the payroll, new employees must complete the necessary federal forms at the Human Resources office.



## Form I-9

The College, in accordance with the Immigration Reform and Control Act of 1986, is committed to employing only those applicants authorized to work in the United States. As a condition of employment, all new and rehired employees must properly complete, sign, and date the first section of the U.S. Citizenship and Immigration Services Form I-9 by his or her first day of employment. The employee's documents must be reviewed and section 2 completed within three business days of the first day of work. An employee who does not properly complete the I-9 form within the legally required timeframe will not be permitted to continue to work until the form is completed.

## Personnel Records and Changes in Personal Status

Employees are responsible for taking an active role in keeping their records current and accurate. Notification to Human Resources of any changes in personal status is critical. Such information is necessary to ensure correct coverage and, if appropriate, deductions for taxes, medical insurance, life insurance, etc. Incorrect or outdated information may affect employee benefits and the ability of the College to make the appropriate contacts in an emergency. The accuracy of an employee's entry in the College directory depends on the accuracy of that employee's files. Some changes that should be reported promptly include:

- Name
- Home address
- Telephone number
- Marital status
- Names and social security numbers of dependents
- Birth dates of dependents
- Changes in dependent(s) status
- Changes in emergency contact information
- Beneficiary designations for benefit plans, such as retirement plan, life insurance, etc.

Employees may review the personal information in their personnel files by setting up an appointment with a representative of Human Resources. One business day notice is required.

Failure to notify Human Resources of changes or falsification of records may result in disciplinary action up to and including termination.

## Categories of Employment

A series of employment categories identify the type of position held by each staff and faculty member. The employee's position type should be included in the letter notifying him or her of employment.

If at any time, an employee is unclear about the type of appointment s/he holds, the employee should seek clarification from either the department head or Human Resources. See [section 3, Employee Benefits](#) for benefit eligibility information.

*Faculty members* teach students. Faculty titles include: professor, associate professor, assistant professor, instructor, visiting assistant professor, visiting instructor, lecturer, visiting lecturer, and assistant in instruction.

*Staff members* are hired to perform non-teaching duties in support of the College's academic mission.

Middlebury College classifies faculty and staff members according to the chart below. The primary basis for classification is committed hours for staff and instructional units for faculty. Committed hours are regularly scheduled and budgeted hours assigned to a specific position. Regardless of the number of hours actually worked, on-call positions have no committed hours. Human Resources will work collaboratively with managers to determine the classification of each position.

## Employee Group Classifications - FACULTY

Classification	Appointment Duration	FTE	Benefits Eligibility
Full-Time	≥1 Academic Year	.8-1	Yes
Part-Time - Benefits Eligible	≥1 Academic Year	.5-.79	Yes
Part-Time - Not Benefits Eligible**	Any	<.5	No

### Employee Group Classifications - STAFF

Classification	FTE	Hours Per Year	Appointment Duration	Benefits Eligibility
<b>Regular Employees:</b>				
Full-Time	.8-1	1664+	on-going	Yes
Part-Time - Benefits Eligible	.48-.79	1000-1663	on-going	Yes
Time-Limited	.48+	1000+	9+ months (with end date)	Yes
<b>Casual** Employees:</b>				
Part-Time - Not Benefits Eligible	<.48	<1000	on-going	No
On-Call	n/a	n/a	on-going	No
Temporary/Seasonal	n/a	n/a	<9 months with end date	No

### \*\*1,000 Hour Rule

Casual employees hired into positions such as those classified as: temporary, on-call, adjunct, seasonal, or other very part-time hour arrangements are, by definition, expected to work for a limited duration and/or for a low number of hours and as such are not budgeted to be benefits-eligible. To ensure compliance with various benefits laws and contracts such casual employees are **limited to a total – in ALL Middlebury jobs – of 999 work hours** in a rolling 12 month period. At or before reaching 999 hours in a given period a casual employee must either be terminated from employment OR may be left “active” but not allowed to work until a new 12 month period begins.

Exceptions to the 1,000 Hour Rule are granted only for compelling business reasons and require approval. Options are:

1. **Convert the job to benefits-eligible status:** requires approval from the area Vice President and the Ways and Means Committee.
2. **Allow employee to continue working in the casual position for an additional limited period:** requires approval from Human Resources, the area Vice President and in most cases the Budget Office, and will only be considered in rare circumstances that are legally, contractually, and budgetarily permissible.

To ensure transparency and alignment of expectations, managers should discuss these work hour limitations with applicants when hiring for casual positions, and offer/appointment letters should include information regarding worked-hour limitations.

## 2.4 Release of Information and Employment Confidentiality

Authorized staff members have access to confidential information about the College, its employees, and students. All employees must handle such information responsibly.

Since it can be difficult to distinguish legitimate inquiries from invasions of others' privacy, no information is to be divulged without proper authorization. Refer verification of employment inquiries to Human Resources. Human Resources will verify employment, job title(s), and dates of employment. An employee who wishes the

College to provide further information regarding employment must complete an Information Release and Waiver Agreement. Waiver agreements are available from the Human Resources office and on the Web ([Information Release and Waiver Agreement Form](#)). Return completed copies to Human Resources. Specific references will not be provided without a completed Information Release and Waiver Agreement. Managers must verify that an Information Release Waiver is on file with HR before providing a reference to an external employer.

Direct all other requests for information (i.e. those involving private attorneys or state or federal agency representatives) to Human Resources.

## 2.5 Employment of Family Members

The College has no prohibition against hiring relatives of existing employees but understands that employment of relatives in the same area of the College may impact departmental functioning. To minimize any potential issues with regard to relatives working together, it is strongly recommended that an immediate family member does not have supervisory responsibilities for another family member. Immediate family for the purpose of this policy is defined as spouse, domestic partner, civil union partner, parent, grandparent, sibling, or child.

## 2.6 New Employee Orientation

New Employee Orientation is offered to full-time and part-time benefits eligible employees as well as certain time-limited positions regularly throughout the year. Orientation dates are included in new employee appointment letters.

Orientation is hosted by Human Resources and is designed to introduce new staff members to the history, culture, and mission of Middlebury College. The orientation program provides employees with the opportunity to meet different members of the community, learn about the campus, review College policies, and enroll in benefit programs for which they are eligible.

## 2.7 Starting Work

When employees first report to work, their supervisors will show them the workplace, explain the responsibilities and procedures of the position, and answer any questions they might have.

Additionally, new employees will receive information from their supervisors about paychecks, College IDs, College policies regarding overtime, CTO, sick leave reserve, attendance, performance evaluations, and wage reviews; keeping records current; automobile registration and parking; arrangements for necessary keys; lunch schedules and facilities; any required training associated with the position; and campus orientation.

Supervisors should access the [Supervisor Check List](#) for new employee orientation suggestions.

## 2.8 Provisional Period

All new, rehired, transferred, and newly promoted employees work on a provisional basis for the first three months. Employees are encouraged to take advantage of this period to determine whether the position meets

their expectations and to get clarification concerning responsibilities. The College will use this period to evaluate an employee's capabilities and work habits. Either the College or the employee may end the employment relationship at will, with or without cause. Certain departments or positions may have longer provisional periods.

If an employee is absent from work for any significant period of time as defined by the supervisor during the first three months, the provisional period will be extended by the length of the absence automatically. If the College determines that it has not had sufficient time for a thorough evaluation of the employee's performance, it may choose to extend the provisional period for a specified length of time. The employee's supervisor will notify the employee of any extension, its length and reason.

Provisional employment status does not affect eligibility for employer-provided benefits. The terms and conditions of each determine eligibility for such programs.

If newly hired, transferred or promoted, an employee will receive a performance appraisal after one month and at the completion of the provisional period. Subsequent reviews occur annually between January and March, with a mid-year performance discussion every six months.

The provisional period may be waived at the discretion of the department or Human Resources.

## **2.9 Scheduling and Hours of Operation**

The College has many functional units with diverse objectives and operational needs. Employees should work with their supervisor and department head to understand the scheduling needs of the department and individual procedures related to hours and scheduling.

It is expected that administrative offices are open from 8:15 a.m. to 5:00 p.m., Monday through Friday. During standard office hours, it is expected that coverage of the office or department will be in place. A minimum of 30 minutes of unpaid time is included in a typical administrative employee's schedule to allow for a meal period. The schedules of non-administrative departments are determined by work needs. Departments may also provide one 15-minute break each day, scheduled by the supervisor.

Work schedules are subject to change, given seasonal and weekend demands. Any variation in the standard schedule for a given position must receive advance approval from the supervisor, who will advise all employees of their working hours.

### **Flexible Working Arrangements**

In order to provide a supportive and flexible workplace, and in accordance with applicable Vermont law, eligible employees may request flexible working arrangements.

A "flexible working arrangement" means intermediate or long-term changes in the employee's regular working arrangements, including changes in the number of days or hours worked, changes in the time the employee arrives at or departs from work, work from home, or job-sharing.

People need breaks and lunchtime in the middle of the day; therefore, employees are discouraged from reducing the workday by permanently eliminating lunch periods and breaks from their schedules.

"Flexible working arrangement" does not include vacation, routine scheduling of shifts, or another form of employee leave.

The College will discuss a request for a flexible working arrangement with the employee in good faith. Both the College and the employee may propose alternative arrangements during the discussion. The College will

consider an eligible employee's request for a flexible working arrangement and whether the request could be granted in a manner that is not inconsistent with its business operations, or its legal or contractual obligations.

As used in this policy, "inconsistent with business operations" includes:

- (A) The burden of additional costs to the College;
- (B) A detrimental effect on aggregate employee morale unrelated to discrimination or other unlawful employment practices;
- (C) A detrimental effect on the ability of the College to meet external demands;
- (D) An inability to reorganize work among existing staff;
- (E) An inability to recruit additional staff;
- (F) A detrimental impact on quality of work or performance;
- (G) An insufficiency of work during the periods the employee proposes to work; and
- (H) Planned structural changes to the College

Employees wishing to make a request for a flexible working arrangements should initiate discussions with their supervisor and Human Resources. Approval is at the discretion of the area Vice President. The College will notify the employee of the decision regarding the request. If the request was submitted in writing, the College will state any complete or partial denial of the request in writing. Any agreements regarding arrangements to work from home on an ongoing basis will be formally documented.

Subject to the nature of the approved scheduling change, if an employee reduces the length of his/her workday, the use of Combined Time Off (CTO) may be approved to offset what would otherwise be a short-term reduction in compensation. *Example:* If an employee receives approval under this policy to leave at 4:00 p.m. during January and February in order to drive home before it became too dark on potentially icy roads, the employee could use an hour of CTO time each day to reduce the workday.

The College will periodically review and analyze the impact an alternative work schedule has on service levels and the orderly work of the department in order to determine if the alternative work schedule remains consistent with the College's business, legal and contractual obligations. In addition, employees who receive approval for an alternative work arrangement must understand that they may need to alter their alternative schedule for important departmental meetings or College presentations.

The College will not retaliate against an employee for exercising his or her rights to request a flexible working arrangement.

## 2.10 Safety & Security

Report all accidents or injuries occurring at Middlebury College, or while traveling on College business, as soon as possible. Report accidents occurring in the course of employment to Human Resources; Public Safety should be notified of accidents involving students, guests, and visitors.

Please remember, it is important that employees report immediately any hazardous or unsafe conditions on campus so that we may take prompt action to remedy them.

### Environmental Health and Safety Office

The establishment and maintenance of a safe work environment is the shared responsibility of the College and all its employees. The College attempts to protect employees against hardship and suffering from injuries and illnesses resulting from accidents or work conditions and to protect the College from potential losses, damages, and costs caused by such accidents and conditions. Therefore, the College strives to comply fully with the intent of all federal, state, and local laws governing the safety of the College community.

The [Environmental Health and Safety Office](#) is a resource for the entire College community. The Environmental Health and Safety Officer is a safety professional who assists employees in addressing their safety concerns, and may be reached through the Business Services Office.

All employees of the College are expected to follow all government safety regulations and College safety policies, to take an active part in protecting themselves and their coworkers from accident and injury, and to report promptly to their supervisors any hazardous conditions and practices. Both supervisors and employees at all levels of the College are expected to report and try to correct unsafe conditions as promptly as possible.

### **Blood-Borne Pathogens**

OSHA's standard pertaining to employee exposure to [blood-borne pathogens](#), such as HIV and Hepatitis B (HBV) viruses, is designed to educate and protect all employees in jobs in which exposure to blood or other potentially infected bodily fluids can be "reasonably anticipated."

Employees in covered positions are required to attend blood-borne pathogen training at the beginning of employment, as well as retraining, provided annually. Middlebury College maintains an exposure control plan that is available through the Environmental Health and Safety Office. If employees believe their position is one in which such exposure might occur and they have not received a copy of the plan or notice of the potential of such exposure, they should contact the Environmental Health and Safety Office immediately.

### **Ergonomics**

The goal of our ergonomics program is to reduce the opportunity for musculoskeletal disorders (MSDs), help lessen muscle fatigue and increase productivity. Risk factors can be controlled by adjusting a workstation, varying work positions, reducing continuous or repetitious actions, and periodically stretching throughout the day. The EHS Office can conduct an ergonomic assessment on your work area (office workstation or other areas) or on a specific task you perform as part of your job and recommend improvements.

Further information concerning the ergonomics program can be accessed at:

<https://www.middlebury.edu/office/environmental-health-safety/workplace-safety#ergonomics>

### **Workers' Compensation**

In compliance with state laws, the College provides comprehensive workers' compensation (WC) insurance coverage at no cost to employees. WC provides medical and/or partial income replacement when an injury or illness is sustained in the course of employment. See [Workers Compensation](#) on the HR website for details.

### **Return to Work Transitional Duty Program**

Middlebury College supports a Return to Work Transitional Duty Program (RTWTDP) to assist employees after the onset of both work-related and non-work-related injuries or illnesses. The RTWTDP is designed to provide a temporary work assignment allowing the employee to transition back into the position held prior to the onset of the injury or illness. The transitional position will be carefully designed to be appropriate for the skills, knowledge, and capabilities of the recovering employee so that the work can be accomplished safely. The RTWTDP is limited to employees with temporary illnesses or injuries. Transitional duty positions, when available, are always temporary and are assigned for a period of time usually not to exceed 12 weeks. In addition, employees participating in the program must have appropriate documentation from a medical care professional that evaluates their capability to work. It is the College's responsibility to identify transitional work

for the employee. Middlebury College has the sole discretion to determine whether or not there are transitional duty positions available considering the workload needs of the company.

### **Controlled Substance/Alcohol Testing for Employees with a Work-required CDL**

All employees who hold a commercial driver's license as part of their position responsibilities for travel within the state are required to participate in controlled substance/alcohol testing. This includes testing for pre-employment, random, post-accident, reasonable suspicion, and return to duty testing.

see: [Controlled Substance/Alcohol Testing Procedure](#)

## **2.11 Middlebury College Non-Discrimination Policy**

The College's Non-Discrimination policy is located [here](#).

## **2.12 Controlled Substance and Alcohol Testing for Employees with a Work-required CDL**

**Purpose:** Middlebury College values the health and safety of its employees. The College also adheres to DOT requirements for those employees who hold a commercial driver's license as part of their position responsibilities for travel within the state. Such employees are subject to the controlled substance and alcohol testing rules.

**Policy Statement:** A driver is forbidden to consume or be under the influence of alcohol within four hours of going on duty, while on duty, or while driving, and up to 8 hours following an accident or until the employee undergoes a post-accident test, whichever occurs first. A driver on duty is forbidden to possess, be under the influence of, or use any Schedule I drug substance, including any amphetamine or formulation of an amphetamine, narcotics or derivatives, or any other substance that makes driving unsafe.

All employees who hold a commercial driver's license as part of their position responsibilities for travel within the state are required to participate in controlled substance/alcohol testing. This includes testing for pre-employment, random, post-accident, reasonable suspicion, and return to duty testing and follow up testing. For these employees, participation in the testing program is a condition of employment at Middlebury College.

Note that the ability to use a CDL license may be affected by violations incurred driving a private vehicle. Employees with a CDL license must notify their supervisor within 24 hours of conviction of a violation in ANY vehicle. Employees must also notify their supervisor if their regular driver's license is suspended. Employees who fail to notify the College as requested may be subject to disciplinary action, up to and including termination.

### **Controlled Substances Testing**

Testing is performed by analyzing a driver's urine specimen. All urine specimens are analyzed for marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP).

When contacted for testing, the driver will provide a urine specimen, which will be subdivided into two bottles. If the analysis of the primary specimen indicates the presence of illegal, controlled substances, the driver has 72 hours to request the split specimen be sent to another DHHS-certified laboratory for analysis.

If a driver has a positive drug test result, the driver will be interviewed by a Medical Review Officer (MRO) to determine if the positive drug test resulted from the unauthorized use of a controlled substance. If the MRO determines that unauthorized use has occurred, the driver will be removed from safety-sensitive duty, and cannot

return to such duties until s/he has been evaluated by a substance abuse professional, has complied with recommended rehabilitation, and has a negative result on a return-to-duty drug test. Follow-up testing to monitor the driver's continued abstinence from drug use will be conducted.

Use of vehicles requiring a CDL is prohibited while using controlled substances, except when the use is at the instruction of a physician who has advised the driver that the substance does not adversely affect the ability to safely operate a Commercial Motor Vehicle.

Drivers who engage in prohibited controlled substance conduct will be immediately removed from safety functions, and cannot return until they have been evaluated by a substance abuse professional and complied with any treatment recommendations. Drivers will also be subject to disciplinary action, up and including termination.

## **Alcohol Testing**

Testing is performed using the driver's breath.

Drivers who have an alcohol concentration of 0.02 or greater but less than 0.04 when tested just prior to, during, or immediately following performing safety-sensitive functions will be removed from performing such duties for 24 hours.

Use of vehicles requiring a CDL is prohibited while using alcohol, while having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test, and/or within four hours after using alcohol.

Drivers who engage in prohibited alcohol conduct will be immediately removed from safety functions, and cannot return until they have been evaluated by a substance abuse professional and complied with any treatment recommendations. Drivers will also be subject to disciplinary action, up and including termination.

## **Procedures**

In all cases, the privacy of the employee and the confidentiality of testing records and results will be strictly maintained by Middlebury College. The integrity of the test process will be maintained. Test results will be attributed to the correct driver.

### **Physical Examinations**

- An employee holding a CDL as part of his/her position description will submit to a medical examination every 2 years. Certain medical conditions may require more frequent physical examinations.

### **Pre-employment testing for controlled substances**

- The College must ask an applicant about previous pre-employment tests or refusals where the applicant did not obtain a job, during two years preceding the applicant's date of application. If the applicant had any positive tests or refusal, s/he must provide documented completion of the return-to-duty process.
- Prior to the first time a driver performs safety-sensitive functions for the College, s/he will undergo testing for alcohol and controlled substances.
- A controlled substances test may be waived if the driver has participated in a controlled substances testing program within the past 30 days, and while participating in the program either was tested for controlled substances within the past 6 months (from the date of the application), or participated in the random controlled substances testing program for the previous 12 months, (from the date of the application), and the College ensures that no prior employer of the applicant of whom the College has knowledge has records of a violation of the controlled substances use rule of another DOT agency within the previous 6 months.
- If the controlled substance testing is waived, the College will contact the controlled substances program in which the driver participated to obtain:

- the name and address of the program,



- verification that the driver participated in the program,
- verification that the program conforms to part 40 of the title,
- verification that the driver is qualified under the rules, including that s/he has not refused to be tested for controlled substances
- the date the driver was last tested for controlled substances
- the results of any tests taken within the previous 6 months and any other violations

### **Random testing**

- As part of the Commercial Safety Consortium, Middlebury College employees with job-related CDLs will participate in controlled substance and alcohol testing. Approximately 50% of Middlebury College drivers will be tested for controlled substances annually. Approximately 25% (or the rate authorized by DOT) of Middlebury College drivers will be tested for alcohol annually.
- Such testing is conducted on a random unannounced basis just prior to, during, or immediately after performance of safety-sensitive functions. Upon notification of individuals selected for testing by Champlain Valley Urgent Care, Facilities Services will contact the employee(s), who will submit for testing on the date and time given.
- Controlled substance/alcohol tests will be conducted after a College employee with a work-specific CDL is involved in or contributed to a qualifying accident.
- If a driver is involved in a motor vehicle accident or receives a moving violation after a work-related driving accident, controlled substance and alcohol testing will be conducted immediately (within 8 hours for alcohol and 32 hours for controlled substance testing).
- In order to test under post accident rules, the following conditions must be met:

### **Post-accident testing**

- 1) a death must have occurred, or
  - 2) the driver was cited for some type of moving violation within 8 hours of the occurrence AND any vehicle was towed from the scene OR any injury occurred that required medical treatment away from the scene of the accident.
- If neither of the conditions were met, the testing cannot be done under post-accident rules. If the supervisor has reasonable suspicion that use or abuse contributed to the accident, s/he may have the test performed under reasonable suspicion rules.

### **Reasonable suspicion testing**

- A driver will submit to controlled substance/alcohol testing when the College has a reasonable suspicion to believe that the CDL driver has violated the regulations concerning use of controlled substances and/or alcohol.
- Determination that a reasonable suspicion exists must be based on explicit, describable observations concerning the appearance, contemporaneous, behavior, speech or odors of the driver. Trained supervisory staff will make such determinations.
- Middlebury College has decided that if a breath test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours, with pay. This is not a DOT regulation.

### **Return to duty and/or follow-up testing**

- Controlled substance/alcohol testing will be conducted when an employee with a CDL for College purposes has violated the prohibited alcohol standards, returns to performing safety-sensitive duties.
- Follow-up tests are unannounced. At least 6 tests will be conducted within the initial 12 months after a driver returns to duty.
- Follow-up testing may be extended for up to 60 months following return to duty.

### **Refusal to Submit to Testing**

Drivers who refuse to participate in required testing will be subject to disciplinary action, up to and including termination.

Behavior that constitutes refusal to participate includes (but is not limited to) the following:

- Failure to appear for any test.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine or breath sample for any test required by federal or state regulations.
- Inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation.
- Tampering with or attempting to adulterate the specimen.
- Interfering with the collection procedures.
- Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- Not immediately reporting to collection site.
- Failure to cooperate with any part of the testing process.
- Having a test result reported by an MRO as adulterated or substituted.

### **Information**

Please contact the College's Employee and Family Assistance Plan at 800.828.6025 for information about:

- The effects of alcohol misuse and controlled substances use on an individual's health, work, and personal life.
- Signs and symptoms of an alcohol problem
- Available methods of intervening when an alcohol and/or controlled substance problem is suspected.

### **More Information & Questions**

This is a summary of the testing program. Requests for more information and questions about this policy should be directed to:

Missy Beckwith  
Facilities Services  
Service Building  
802.443.2798

### **Certificate of Receipt**

I, \_\_\_\_\_, have received a copy of Middlebury College's controlled substance and alcohol policies and procedures.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

# 2.13 Controlled Substance and Alcohol Testing for Captains and Crew Members

Middlebury College values the health and safety of its employees. The College also adheres to United States Coast Guard and U.S. Department of Transportation requirements for those employees who hold positions as Captain or Crew Member of the College’s research vessel. Such employees are subject to the controlled substance and alcohol testing rules.

Middlebury College is committed to the strict enforcement of United States Coast Guard and U.S. Department of Transportation regulations applicable to vessels licensed to carry passengers or engaged in commercial service. These regulations prohibit the use, sale, distribution, manufacture, or possession of illegal drugs or drug paraphernalia. This policy is designed to protect public safety by testing for substances at or above threshold levels of metabolites including, but not limited to, those listed below:

- Amphetamines (Speed).....250 ng/mL
- .MDMA (Ecstasy).....250 ng/mL
- Benzoyllecogine (Cocaine).....100 ng/mL
- Cannabinoids (Marijuana).....15 ng/mL
- Opiates (Heroin, Codeine).....2,000 ng/mL
- Phencyclidine (PCP).....25 ng/mL

To facilitate enforcement of the provisions of this policy, Middlebury College will use every legal means to deter and/or detect violations including, but not limited to, urine, breath, or blood testing of Captains, crewmembers and independent contractors as required by DOT and USCG under the following circumstances:

- 1) Pre-employment. A condition of hiring a new employee is the passing of a pre-employment drug test.
- 2) Reasonable Suspicion. In situations where the employer is aware of facts that would lead him/her to suspect the drug policy has been violated, a drug test will be conducted.
- 3) Post Incident. In case of a “serious marine incident” as defined in 46 CFR Part 4, the employer must determine who should be tested.
- 4) Random. Any time during an employee’s work schedule, he/she is subject to an unannounced random test for the illegal use of drugs.
- 5) Periodic. As required upon license renewal, usually exempt as in 46 CFR Part 16.220.
- 6) Return to Duty. An employee who tests positive may be terminated by the employer, or alternatively, if directed to counseling or rehabilitation, as a condition of continued employment, must submit to unannounced drug tests for a specific period.

Tests will be performed by Substance Abuse and Mental Health Services Administration (SAMSHA) certified laboratory personnel experienced in collection protocols, chain of custody procedures, drug test and confirmation methods, and Medical Review Officer functions.

Middlebury College will take appropriate disciplinary action, including the possibility of termination of employment and/or services as well as possible suspension of United States Coast Guard license and/or

Merchant Mariner Document, and legal prosecution, for violations of this policy. We understand that *The Maritime Consortium, Inc.*, is also required to notify the U.S. Coast Guard in the case of any positive tests. We further recognize that chemical dependencies are a personal concern for many individuals and accordingly encourage drug abusers to immediately seek professional help such as is available through the confidential services of our Employee and Family Assistance Program (EFAP).

Middlebury College supports the necessity for maintaining a Drug-Free Policy and pledges to abide by the provisions of this policy and DOT/Coast Guard drug and alcohol testing rules.

## 2.14 Background Checks

Middlebury College is committed to providing a safe and secure environment for our students, faculty, staff and visitors. Prior to posting a vacancy, the College will determine if the candidate selected for the position will be subject to a background check. Vacancy announcements for these positions will include notification that employment is contingent upon successful completion of a background check. Current employees may also be asked to authorize a background check if they apply for positions subject to the background check requirement.

Human Resources will facilitate the background check process (in accordance with the Vermont Fair Credit and Reporting Act and the Federal Fair Credit Reporting Act) and inform the candidate and hiring manager of the successful completion before the appointment can commence. The candidate must voluntarily authorize the background check by completing a background check authorization. It is critical that candidates complete all application and employment/volunteer related information accurately and honestly. Failure to do so will jeopardize their appointment.

Any information revealed by a background check will be reviewed on a case by case basis and consideration will be given to the nature and gravity of the offense or offenses; the time that has passed since the conviction and/or completion of the sentence; and the relationship of the offense to the job sought. Human Resources will conduct a confidential consultation with the vice president for Academic Affairs, hiring manager or volunteer sponsor on matters which may adversely impact the appointment. The applicant will be given an opportunity to review the background check results and submit an explanation in accordance with state and federal law.

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## 2.15 Post-Offer Pre-Employment Screening (POPES)

Certain physically demanding Middlebury College jobs have been designated as requiring post-offer pre-employment screening (POPES) of all new\* employees (both internal and external) *before* new employees can begin working in those jobs. Post-offer pre-employment screenings involve a number of job-specific medical and physical assessments that are carefully designed to evaluate an individual's ability to safely meet the essential physical demands of the job. When an offer of employment in a POPES-designated job is made, that offer is contingent upon the individual successfully completing the POPES process. The cost of the POPES assessment is borne by the College.

When an individual does not pass the POPES, the offer of employment is withdrawn, however, that individual has the right to request reasonable accommodation under the Americans with Disabilities Act (ADA). See the [ADA policy and guidelines](#). ADA accommodation requests must be made within 1 week from the POPES failure and will be handled in compliance with College policy and federal law. Offers may also be withdrawn if the individual fails to complete the POPES process (including any required follow-up) in a timely manner.

*\*Current employees whose present jobs become POPES-designated do **not** need to go through the POPES process. Current employees who apply for a different job that is POPES-designated will have to successfully complete the screening before beginning the new job.*

## 2.16 MiddPoints

[MiddPoints](#) is a web-based employee communication tool for the faculty and staff of Middlebury College. The webpage is updated daily and a digest version of the most recent and relevant postings is distributed via email on a bi-weekly basis. This is the primary communication vehicle for policy changes, upcoming events, news, announcements and other items of interest to employees. Individuals can post submissions directly via [go/announcements](#).

## 2.17 Internal Career Opportunities

*Filling a position:* Human Resources, in coordination with the hiring department and area vice president, facilitates recruitment.

*Faculty recruitment:* The vice president for Academic Affairs / dean of faculty, in conjunction with department chairs, handles faculty recruitment. Faculty vacancies are posted on the [Academic Affairs web page](#).

*Staff recruitment:* For most job vacancies, Human Resources and the appropriate senior administrator determine if there is a candidate for whom the vacancy is a natural career progression. In such cases, posting of the position may not occur. If broader recruitment is necessary, the position will appear on the [Employment Opportunities](#) web page for a minimum of five business days and staff members may apply online. Temporary positions of one year or less are not necessarily posted. At the discretion of the president, certain jobs may not be posted.

*Employment opportunities:* [Employment Opportunities](#) are listed on the Human Resources web page. Available positions are categorized as internal or external. Only active employees and their spouses/domestic partners may apply to internal vacancies. All candidates may apply to external vacancies, including those outside of the Middlebury community. Position requirements are included with the description of each job opening.

*Applying for a posted position:* Interested employees should submit a resume online via the [Employment Opportunities web page](#) once they have identified a position of interest. Employees must have been in their current position for a minimum of three months before they are eligible to apply for positions in other departments.

If an employee is selected to interview for a position and is a final candidate, it is expected that the employee will inform his or her current supervisor at that point. If an employee is offered and accepts a position external to the employee's current department, coordination between both departments and Human Resources is required to ensure that the timing of such a transfer does not result in a hardship to the College.

*Filling a position:* The search committee or department supervisor selects the best-suited candidate to fill the job vacancy. The supervisor contacts Human Resources to determine an appropriate hiring wage and to coordinate issuing the job offer.

*Career decisions:* Employees should give careful consideration to all career moves. Having accepted a promotion or requested or accepted an internal transfer, an employee is unlikely to have the option of returning to the old position should the new one not work out.

## 2.18 Rehire

Consideration for re-employment is based on qualifications and demonstrated ability, as well as prior job performance. In the event of re-employment at Middlebury College, prior service will be recognized in determining benefit eligibility to the maximum extent allowed by the Benefit Plan Description or other relevant policies. Employees returning within three months of their termination date will have their CTO accrual date reinstated.

## 2.19 Staff E-mail and Computer Use Policy

Middlebury College recognizes that e-mail is one of the primary venues through which important information about the College and its operations is communicated. This information ranges from updates on the strategic direction of the College and matters of interest to the community, to notification of road closings and building maintenance, to information about employee benefits. As part of the Middlebury College community, staff members are responsible to be aware of this information. All employees are issued a standardized college e-mail account through their employment at Middlebury College. The work of some employees requires regular use of a computer, often in an office situation. Public access computers have been installed at many locations across campus to allow access and a desired level of privacy for those employees whose work does not require regular use of a computer. For departments or work groups in which computer use is secondary to the core function, internal procedures will be developed to allow staff reasonable access to e-mail while ensuring proper work coverage. The employees and supervisors are to work out details of how e-mail access time is implemented, depending on intensity of workload (periodic in certain areas like facilities services and dining). Training is available through ITS for those unfamiliar with e-mail use. Anyone using College e-mail resources is responsible for abiding by the guidelines for appropriate e-mail use as outlined in the [College Handbook](#).

## Employee Benefits

Please select from the following content:

- [3.1 General Information](#)
- [3.2 Benefit Changes](#)
- [3.3 Health and Welfare Benefit Plan](#)
- [3.4 Employee & Family Assistance Plan \(EFAP\)](#)
- [3.5 Retirement Plan](#)
- [3.6 Phased Retirement](#)
- [3.7 Educational Assistance](#)
- [3.8 Sick Leave Conversion](#)
- [3.9 Survivor Benefits](#)
- [3.10 Midd Card Privileges](#)
- [3.11 Golf & Ski Discounts](#)
- [3.12 Nursing Mothers](#)

## 3.1 General Benefit Information

Middlebury College offers a comprehensive health and welfare benefit plan and a generous retirement program to eligible employees.

Enrollment in some College benefit plans is not automatic. Although Human Resources makes an effort to notify or remind employees when they become eligible to enroll in a particular benefit plan, it is the employee's responsibility to enroll in a timely manner. Please consult with Human Resources should any questions arise concerning eligibility for, or status in, a benefit plan.

Although it is the intent of the College to continue the benefit plans described in this section, the College reserves the right to modify, amend, or terminate any benefit plan, with or without notice.

## 3.2 Benefit Changes

### Health, Dental, Vision and Flexible Spending Accounts

In accordance with IRS regulations, changes such as adding or dropping coverage for an employee or dependent can only be made at certain times: 1) the initial eligibility period (the 30 days after an employee is first hired or the 30 days after an employee first moves into a benefits-eligible employment status), 2) the yearly open enrollment period, and 3) within 30 days of a *change in family status* (as defined by the IRS). The most common permissible changes-in-family status include marriage, divorce, birth, adoption, change in a spouse's employment status affecting benefits eligibility, open enrollment in a spouse's benefit plan, and dependent reaching age 26. For a complete list contact Human Resources. To be allowed, the desired benefit change must also be *consistent with* the reason for the change (for example, in case of a divorce a spouse could be dropped, in case of a birth the baby could be added).

Please note that it is the employee's responsibility to notify Human Resources *within 30 days* of a change in family status. Failure to promptly notify Human Resources of a family status change that could affect benefits can have serious consequences. For example, not notifying Human Resources of a new dependent will mean that the new family member cannot be added until next open enrollment period. IRS regulations do not allow a change in an employee's pre-tax health or dental premium later than 30 days after a change in family status, even if the family status event means that an employee or dependent is no longer eligible for coverage under the terms of the medical or dental plan. This means that an employee could be required to pay premiums until the next open enrollment period for coverage that s/he or a dependent *does not have*. Furthermore, under COBRA regulations, late notification to Human Resources could result in an otherwise eligible former plan participant not being offered COBRA continuation coverage in the health, dental, or vision plans or health flexible spending account.

Employees are financially responsible for any claims paid by insurance based on false information. Willful failure to notify Human Resources of a change in status affecting eligibility may result in disciplinary action up to and including termination of employment.

### Retirement Plans

Employees are able to make an election change (to start, stop, or modify contributions) in the Voluntary Retirement Plan at the beginning of any pay period.

## 3.3 Health and Welfare Benefit Plan

The Middlebury College Health and Welfare Benefit Plan offers medical, dental, vision, life, supplemental life, long-term disability and short-term disability insurance plans, and health care and dependent care flexible spending accounts to full time staff and faculty members; to part-time or time-limited staff who are engaged to work a minimum of 1,000 hours and for a minimum of 9 months in a regular part-time job; as well as to part-time faculty members scheduled to teach at least half time when they teach courses in both semesters. On-call, temporary, and seasonal staff and faculty working less than half-time and/or for single semesters are not eligible for benefits, except that certain employees may be eligible for medical benefits under the terms of the federal Affordable Care Act. A Summary Plan Description (SPD) and employee contribution chart can be found at the [Human Resources Benefits web page](#), or by contacting Human Resources at ext. 5465 or [hr@middlebury.edu](mailto:hr@middlebury.edu)

### 3.4 Employee & Family Assistance Plan (EFAP)

Middlebury College offers a confidential Employee and Family Assistance Plan (EFAP) for active employees, their immediate family members (including parents, siblings, children, spouses/partners, grandparents, and grandchildren) and others residing in the employee's home. The EFAP provides counseling and referral services for a range of quality-of-life issues: alcohol and/or drug abuse, marital difficulties, child/parent relationship concerns, or other personal or family situations, including legal and financial counseling services. InvestEAP, the provider of the EFAP plan, can be reached at 866.660.9533.

For more information, please visit the [EFAP page](#) on the Human Resources website.

### 3.5 Retirement Plan

The Middlebury College retirement program includes 401(a), 403(b), and 457(b) plans all of which are administered by TIAA-CREF. The plans are designed to offer various advantages to eligible employees, such as: a generous employer contribution, tax advantages, and retirement, death, and disability benefits.

As a condition of employment, eligible employees are required to participate in the 401(a) plan (called the "Core Retirement Plan").

For a complete description of the retirement plans, refer to the [Summary Plan Descriptions](#) on the Human Resources website or contact Human Resources at ext. 5465.

### 3.6 Phased Retirement/Other Transitional Retirement Options

The College strives, when operationally feasible, to support employees who are interested in transitioning into retirement. The Phased Retirement program encompasses a range of benefits that are intended to support those employees who prefer to transition into retirement status rather than to retire all at once. To be eligible an employee must: be a full-time benefits-eligible faculty or staff employee (or be a faculty member on Associate Status; AND be at least age 59.5; AND have worked for a minimum of ten years past the age of 45 in a benefits-eligible status. Please contact Human Resources for details.

Other transitional programs such as reducing to a part-time status or flexible scheduling may also be available. Please note that VP approval is required for any phased or transitional retirement arrangement. Contact Human Resources at ext. 5465 for more information or guidance.



## 3.7 Educational Assistance

Middlebury College offers four separate programs to assist eligible employees and/or their dependents in pursuing post-secondary education (refer to the individual policies for benefit details):

- A. [Continuing Education Fund](#)** – Provides eligible employees with funding up to \$5,000 per calendar year for enrollment in a credit-, degree-, or certificate- granting program from an accredited program or institution.
- B. [Middlebury College Course Fee Reduction For Employees](#)** – Allows eligible employees and their spouses/partners to take Middlebury College courses, for credit, for \$100 per course.
- C. [Middlebury College Staff Matriculation Program](#)** – Allows qualifying staff members, in specified circumstances, to enroll in the bachelor's degree program at Middlebury.
- D. [Dependent Tuition Benefit - Middlebury College Students](#)**– Provides a discount of 45% of the combined tuition/room-and-board charges for up to four full years of coursework for eligible dependents admitted to Middlebury College.
- E. [Dependent Tuition Benefit - Non-Middlebury College Students](#)**– Provides a direct payment ([see policy for details](#)) toward the tuition of the institution attended for eligible dependents attending an accredited institution other than Middlebury.

## 3.8 Sick/Faculty Leave Conversion

At retirement, as defined in the College's [Retiree Benefits policy](#), accumulated sick leave reserve or faculty leave reserve will convert to a period of Middlebury-paid retiree insurance (see Health & Welfare Summary Plan or contact Human Resources for details).

### Sick/Faculty Leave Reserve Survivors' Conversion

If a Middlebury College employee dies while in an active status, survivors' benefits will be provided (for eligible dependents) in the medical and dental plans. See [Survivor Benefits](#) section of this Handbook for details.

*Note:* There is no cash conversion of sick/faculty leave reserve.

## 3.9 Survivor Benefits

Eligible dependents of employees enrolled in the College's Medical, Dental, and EFAP plans have survivors' benefits. If an employee dies while in an active employment status, his or her survivors will receive the following benefits:

**Medical Insurance, Dental Insurance:** Dependents will be eligible for a subsidized COBRA benefit. For 60 days following the date of death all premiums will be paid by the College. Following the initial 60 days, accumulated staff sick leave reserve may be converted to paid COBRA days (see [sick leave conversion](#) section of handbook for details). Following any sick leave reserve conversion the COBRA benefits may be continued as described in the “medical” section of the Middlebury College Health & Welfare Benefits [Summary Plan Description](#).

**Employee & Family Assistance Plan (EFAP):** The EFAP provides caring, experienced professional counselors to help with a wide variety of issues including grief and financial counseling services. Arrangements can be made

to extend this benefit for a period of time; please contact Human Resources if you are interested in these services.

**Accrued CTO:** Accrued, unused CTO time will be paid to the deceased employee's estate.

**Dependent Tuition Benefits:** If, at the time of his or her death, a tenured faculty or staff employee has met the eligibility requirements for either of the Dependent Tuition Benefits, his/her dependent children will retain eligibility, so long as such child(ren) meet the other dependent student eligibility criteria.

**Vision Insurance, Flexible Spending Accounts, Life Insurance, and Retirement Plans:** All benefits under these plans will be settled with the survivors in accordance with the provisions of the plans and beneficiary designations.

**MiddCard Privileges:** A surviving spouse/domestic partner/civil union partner receives full faculty/staff MiddCard privileges for one year. If no spouse/domestic partner/civil union partner survives, dependent children will receive Snow Bowl and Golf Course discounts for one year instead of MiddCard privileges.

## 3.10 Midd Card Privileges

All employees of Middlebury College are eligible for an identification card, called a MiddCard, which entitles the employee to certain privileges including: access to athletic facilities, discounts at the College store, library privileges, and discounts at cultural and sporting events. In addition, the card allows door access to certain campus buildings.

Spouses or domestic partners of benefits-eligible employees are eligible to receive a Spouse/Partner card with the same privileges as the employee card (except door access).

Both employee and spouse/partner cards are valid only during the employee's period of active employment. Employees who retire from the College may be eligible for a Retiree/Emeriti card.

Questions regarding card eligibility can be directed to Human Resources; questions regarding new or replacement cards or door access should be directed to Public Safety; and questions regarding discounts, events, or athletic facilities access or policies should be directed to the responsible department (i.e. Book Store, Athletics, etc.)

## 3.11 Golf & Ski Discounts

*Benefits eligible employees* may receive discounts on season passes at the Middlebury College Snow Bowl, the Ralph Myhre Golf Course, and the Rikert Ski Touring Center. *All employees* are eligible for discounted day passes at the golf course. For information on discounts contact the recreation facilities directly.

## 3.12 Nursing Mothers

Middlebury College abides by applicable state and federal laws in providing reasonable time and space for nursing mothers to express breast milk for their nursing children.

see: [\*Breastfeeding guidelines\*](#)

## 4. Time Away from Work

Please select from the following content:

- [4.1 Reporting Absences](#)
- [4.2 Combined Time Off](#)
- [4.3 Sick Leave Reserve](#)
- [4.4 Holidays](#)
- [4.5 Staff Parental Leave Policy](#)
- [4.6 Family & Medical Leave](#)
- [4.7 Jury Duty](#)
- [4.8 Military Reserve](#)
- [4.9 Bereavement](#)
- [4.10 Personal Leave of Absence](#)
- [4.11 Weather Emergencies](#)
- [4.12 Release Time](#)
- [4.13 Vermont Earned Sick Time Act](#)
- [4.14 Vermont Earned Sick Time](#)

### 4.1 Reporting Absences

If an employee is unable to report to work for any reason, it is his or her responsibility to notify the supervisor as soon as possible prior to the start of the workday. If the employee is unable to reach the supervisor, s/he should follow the department's procedure for notification. Failure to notify the College of an absence before the start of the workday means the absence is unauthorized and can lead to disciplinary action.

### 4.2 Combined Time Off

In order to provide flexibility to employees in the use of time off, Middlebury College utilizes combined time off (CTO). CTO can be used for vacation, sick, or personal time, as well as for three floating holidays (Memorial Day, Independence Day, and Labor Day).

It is not necessary to distinguish how the time is being used (i.e. vacation, sick, or personal day). Departments will establish practices for providing notice of absences from work and for scheduling time away.

### Eligibility<sup>↻</sup>

Most full-time regular staff employees and benefits-eligible part-time staff employees accrue CTO, beginning in the first pay period in which the employees are paid. (See Handbook section [2.3 Basic Information about Employment at Middlebury College](#) for definitions of regular full-time and benefits-eligible part-time.)

Faculty, temporary, seasonal, part-time employees in positions budgeted for less than 1,000 hours per year, as well as a small number of special jobs, are not eligible for CTO.

### Accruals<sup>↻</sup>

CTO accrues in hours after each biweekly payroll is run. Accrual is based on length of service, as follows:

**Length of Service Annual Accrual for 1 Full Time Equivalent CTO Accrual for Each Hour Paid**

0-2 Years	26 days/yr.	0.1 hrs.
Over 2-10 Years	31 days/yr.	0.1192 hrs.
Over 10-20 Years	36 days/yr.	0.1385 hrs.
Over 20 Years	40 days/yr.	0.1538 hrs.

**CTO Maximum**

The following chart outlines CTO maximum accruals.

**Maximum (hours) at fiscal year end\***

Staff on 8 Hrs./Day Schedules	192
Staff on 7.75 Hrs./Day Schedules	186

\*The fiscal year end maximum is applied at the end of the fiscal year in June. Any CTO over the maximum will be automatically moved to SLR.

At any other time of year there is no maximum accrual.

**CTO Pay-Out on Termination of Eligible Employment**

Accrued, unused CTO will be paid out at 100% of the employee's current rate of pay upon termination of employment or when an employee moves to a position that is not eligible to accrue CTO. (SLR is not paid out.)

In all cases of separation, final CTO payout may be withheld until keys, ID cards, and other College property are returned to the supervisor or the Human Resources Office.

**CTO Use****General CTO guidelines**

The combination of CTO and regular worked hours each pay period should equal an employee's regular scheduled hours. Part-time employees may not enter CTO in excess of their scheduled hours. Employees not on a formal leave status must use CTO to cover absences from work unless their supervisor and/or Human Resources has granted an unpaid absence. Employees may not choose to take time unpaid.

Please refer to the [Personal Leave of Absence Policy](#) for unpaid absences in excess of a full pay period.

**Non-exempt staff CTO Use**

As required by the Fair Labor Standards Act (FLSA), non-exempt staff must record all work time. When non-exempt staff members use CTO they should record each hour or portion of an hour away from work as CTO.

**Exempt Staff CTO Use**

As per the Fair Labor Standards Act (FLSA), exempt staff are paid on a salaried basis. This dictates that their pay does not vary with regard to the number of hours worked. Exempt staff often work in excess of their normal scheduled hours and do not receive overtime or any additional pay beyond their salary. Therefore, occasional brief absences from work of less than a day will not be deducted from the CTO banks of exempt staff with the

exception of approved leaves of absence under the Family and Medical Leave Act (FMLA). CTO will be recorded in full day increments when an exempt staff member is away from work for the entire day. Exempt staff are expected to maintain regular work schedules, and deviations from these schedules requires management approval. In situations of a reduced schedule or repeated or regular absences, managers and staff should make arrangements to enter CTO to adjust for absences. The use of half days may be a useful alternative in these cases. Issues related to productivity, meeting position responsibilities and appropriate office hours are performance matters and will not be managed through CTO use.

## 4.3 Sick Leave Reserve

Sick Leave Reserve can be used in the event employees have a bona fide illness, injury, physically disabling condition including pregnancy, or if they must care for an ill member of their immediate family. SLR may not be used to care for well infants, children, or other family members. Those included in the definition of immediate family are individuals permanently residing in the employee's home or temporarily residing with the employee as a result of the family member's illness, including, but not limited to spouse/domestic partner/civil union partner, children, parents, and parents-in-law.

Appointments with physicians, dentists, or other health care providers that take place during normal working hours may be claimed.

At the end of each fiscal year, any excess over the maximum CTO bank will be automatically transferred into the employee's Sick Leave Reserve (SLR) bank. Sick Leave Reserve time, however, cannot be transferred to CTO. [See 4.2 Combined Time Off for Maximum \(hours\) at fiscal year end.](#) Employees must call in, using their department's protocol, if they are going to be absent from work. Doctor's notes may be required.

### Exempt Staff SLR Use

As per the Fair Labor Standards Act (FLSA), exempt staff are paid on a salaried basis. This dictates that their pay does not vary with regard to the number of hours worked. Exempt staff often work in excess of their normal scheduled hours and do not receive overtime or any additional pay beyond their salary. Therefore, occasional brief absences from work of less than a day will not be deducted from the SLR banks of exempt staff with the exception of approved leaves of absence under the Family and Medical Leave Act (FMLA). SLR will be recorded in full day increments when an exempt staff member is away from work for the entire day. In situations of a reduced schedule or repeated or regular absences, managers and staff should make arrangements to enter SLR to adjust for absences; the use of half days may be a useful alternative in these cases.

### SLR Pay-Out

Sick Leave Reserve has no cash value.

## 4.4 Holidays

There are two types of holidays: Regular Holidays and Floating Holidays. The eligibility and usage of each differs according to the guidelines below. When a holiday falls on a Saturday it is observed on the preceding Friday; holidays falling on Sunday are observed on the following Monday.

### *Floating Holidays*

Designated Floating Holidays are: Memorial Day, Independence Day, and Labor Day; the College is partially open for business on these days. Each department will determine whether or not to close operations, and those that remain open will determine the appropriate staffing level, based on operational needs.

**Administration:** If a benefits-eligible regularly scheduled staff member takes a Floating Holiday off, CTO must be recorded on the employee's timesheet. In offices that remain open on floating holidays, managers will work with staff to ensure adequate staffing. Staff members who work will be paid at their regular pay rates for the day. In offices that close on floating holidays, the expectation is that all employees will take the day off; advanced management approval is required for exceptions.

**Eligibility:** Most full- and part-time benefits-eligible staff (those that are eligible for CTO) are eligible for floating holidays.

### ***Regular Holidays***

The designated Regular Holidays are: New Year's Day, Thanksgiving Day, the Friday after Thanksgiving, Martin Luther King Day and generally, noon on Christmas Eve through midnight on New Year's Day. Human Resources will communicate the actual holiday shutdown dates to the campus community by July 1 for the upcoming fiscal year.

Holiday pay is provided to benefits-eligible staff who are regularly scheduled to work on a day when the College is closed in observance of a regular holiday. **The intent of holiday pay is to keep paychecks whole.** The intent is not to provide an equal number of holiday hours to each employee; employees may be entitled to different amounts of holiday hours, depending on their regular schedules and to what extent their regular schedules overlap with the holiday schedule.

**Administration:** Benefits-eligible staff will receive holiday pay for the designated regular holidays that fall on their regularly scheduled days of work. For example, staff members who usually work on Fridays receive holiday pay for the Friday after Thanksgiving; however, an employee whose regular schedule does not include Friday would not. Holiday pay cannot be used to pay a staff member more than he or she would earn in a typical week, except that Holiday pay counts as work time when calculating overtime.

**Eligibility:** Full- and part-time benefits eligible staff are eligible for Regular Holidays.

### ***Holiday Premium Pay***

The purpose of holiday premium pay is to provide additional compensation to non-exempt staff members who work on a designated regular holiday. Holiday premium pay is one and one-half times the regular rate of pay.

**Administration:** Most non-exempt staff members are eligible for holiday premium pay if they work on a designated regular holiday. Exceptions to eligibility are seasonal employees who work at the Snow Bowl or Rikert, areas that do not experience a shut-down period. Benefits-eligible staff also receive holiday pay as described above if they work on a regular holiday.

See [Recording Holiday Pay and Worked Holiday Time Procedures](#).

## **4.5 Staff Parental Leave Policy**

Benefits-eligible employees with one year of service in a benefits eligible position are eligible for up to six weeks of paid leave for the birth or adoption of a child. Adopted children must be under 18 years of age. In order to receive paid leave, employees must meet eligibility requirements prior to the date of birth or adoption.

Parental leave may be used pre- or post-birth or adoption and will be applied to the 12 weeks of leave allowed under the [Family and Medical Leave policy](#). Paid leave must be taken within one year of the birth or adoption.

In compliance with Equal Employment Opportunity Commission (EEOC) guidelines, "disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are, for all job-related purposes temporary disabilities and should be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment." This principle ensures that pregnant employees will be in no worse and no better position with regard to job related practices and benefits than employees similarly situated suffering from other disabilities. The determination of the length of time an employee will require for leave because of pregnancy and childbirth is a medical decision between the woman and her physician, to be treated in the same way as other sick leave, in compliance with the provisions of Vermont law.

## 4.6 Family & Medical Leave

see: [FMLA Procedure](#)

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the Vermont Parental Leave Act, the College grants up to twelve weeks of unpaid leave to an eligible employee during a rolling 12 month period. FMLA leaves of absence can be granted for the following reasons:

- The birth of a child and in order to care for that newborn child, within one year of the birth.
- The placement of a child for adoption or foster care, within one year of the initial placement. Leave may be taken prior to the event if necessary to arrange for the event.
- To care for a spouse, domestic/civil union partner, child, parent, or parent-in-law with a serious health condition.
- To respond to a medical emergency involving the employee's child, stepchild, foster child, or ward who lives with the employee, or the employee's parent, spouse, domestic partner/civil union partner, or parent-in-law.
- The serious health condition of the employee that renders the employee unable to perform the essential functions of his or her position.
- Any "qualifying exigency" arising from a spouse, son, daughter, or parent's federal call to duty of National Guard or Reservists.

The FMLA also allows up to 26 weeks of unpaid leave during a rolling 12 month period:

- To care for a spouse, son, daughter, parent or nearest blood relative injured while on active military duty.

This policy is designed to offer assistance by providing job-protected leave to eligible employees for certain family and medical reasons. The leave may be unpaid, paid, or a combination of unpaid and paid depending on the circumstances as specified in this policy.

This policy applies to employment in the United States; it does not apply to employment abroad.

## 4.7 Jury Duty

The College encourages employees to accept their civic responsibility if they are called for jury duty. All full- and part-time employees, excluding temporary employees, will be paid for time off for required jury duty. The employee's status at the College will remain the same and all benefits will continue.



When called for jury duty, the employee must notify the supervisor and provide subsequent notification of jury duty related absences. The College will continue to pay the eligible employee for scheduled hours missed due to jury duty. Whenever employees are released from jury duty for partial or full days, they are expected to report for work at the College. An employee's time record must accurately reflect jury duty service.

## 4.8 Military Reserve

A military leave of absence is granted to employees to attend scheduled drills or training or if called to active duty with the United States armed services. Eligible employees may receive up to 10 days per calendar year of paid Military Leave.

Middlebury College offers a pay differential to those eligible employees who have been called to active duty in addition to their reserve obligation (one weekend per month and two weeks per year).

To be eligible to receive either military reserve benefit, the employee must be a full-time employee who has satisfactorily completed the three-month provisional period with the College; provide the College with advance notice of impending service unless precluded by military necessity; and submit a copy of his or her military leave and earnings statement for the covered period.

## 4.9 Bereavement

Employees needing to take time off because of the death of an immediate family member must notify their supervisor as soon as possible. Bereavement leave is intended to be used in the event of a death; it cannot be used for serious illness or other purposes.

Paid or unpaid time off will be granted to allow employees to grieve, make any necessary arrangements, and attend the funeral. Full- and part-time benefits-eligible employees may receive up to three days of paid bereavement leave for each death of immediate family (listed below). Full- and part-time benefits-eligible employees may receive up to four weeks of paid bereavement leave for the death of the employee's spouse/partner or child.

Bereavement pay is based on the pay employees would have earned had they worked the day(s) of their leave.

Employees will receive approval of bereavement leave as long as there are no unusual operating requirements. Any employee may, with the supervisor's approval, use available paid leave or unpaid leave for additional time off.

Immediate family includes the employee's parent, sibling, grandparents, grandchildren, the employee's child's spouse, parent-in-law, brother and sister-in-law, grandparents-in-law, and other relatives residing in the employee's household.

## 4.10 Personal Leave of Absence

Occasionally staff employees may wish to take time off for personal reasons\*, that is in excess of normal vacation time and/or available CTO. In such instances, employees may apply for a Personal Leave of Absence (LOA). Personal LOAs are discretionary and require approval from both the employee's manager and from Human Resources. The minimum duration is one full pay period, and a Personal LOA may not exceed one year



in duration. (Managers may, at their discretion, approve shorter absences without the formal Personal LOA process).

During an approved Personal LOA an employee will receive no regular pay. Certain employee benefits may be negotiated with Human Resources during the approval process. These include:

- whether or not the employee will continue to be eligible for employee benefits during the LOA;
- if benefits continue, whether the employee will pay the employee-only portion of the cost or the full cost of the benefit;
- if applicable, how the employee will pay for the benefits during the LOA (i.e. pre-pay, pay-as-you-go, etc.); and
- whether or not the employee will be required to use accrued CTO time during the LOA (this is typical).

In order to request a Personal LOA, employees should contact the Human Resources office to initiate the application process.

Non-exempt and exempt employees on approved Personal LOAs *do not* accrue CTO time on the unpaid portion of the leave. CTO will accrue only on CTO hours used during the leave.

During an approved Personal Leave of Absence, employees have the same job protection afforded active employees.

Employees needing time off for medical reasons or to care for a family member with a serious medical condition should refer to the [Family and Medical Leave Act policy](#).

## 4.11 Weather Emergencies

Extreme weather emergencies may arise throughout the year. Given that the College must continue to provide services regardless of the weather, the assumption should be that the College will remain open. However, while the College does not normally close, employees are responsible for assessing the impact of the weather on their commutes. Supervisors will be flexible in allowing staff members to make appropriate adjustments to their schedules. Staff members should use CTO to cover any absences from work due to weather emergencies when the College remains open.

On the rare occasion when the College administration determines that weather conditions pose a significant hazard to the safety of its employees, it may authorize the closing of the College. In those cases, staff members will be paid as if they had worked their regular schedule. Non-exempt staff members who were required to work during the weather emergency due to the essential nature of the services that they provide will be paid a premium for time worked. Specific questions should be directed to Human Resources. The Emergency Information Line (802.443.2500) will have recorded information announcements in the case of emergency.

## 4.12 Release Time

Release time may be approved by the president or her designee, in order to allow staff to attend certain campus-wide events. If release time falls during an employee's regularly scheduled hours it is considered regular paid time. If release time falls during a time when an employee is not scheduled to work, he or she may choose to attend the event, but the time is unpaid.

## 4.13 Vermont Earned Sick Time Act

The Vermont Earned Sick Time Act (21 V.S.A. §§ 481–486) provides that employers must allow eligible employees to accrue a bank of hours that may be used as paid time off for certain health or safety needs and/or for the care of a qualifying family member. Three of Middlebury’s employee paid time off policies - Combined Time Off (CTO), Faculty Leave Reserve (FLR) and Vermont Earned Sick Time (VEST) - meet or exceed the provisions of this law. Eligibility for paid time off benefits is based on employment classification and work state:

- benefits-eligible staff employees fall under the CTO policy,
- benefits-eligible faculty members have FLR, and
- certain student employees as well as non-benefits eligible faculty and staff employees *who work in Vermont* may be eligible for VEST.

Employees should refer to the Combined Time Off, Faculty Sick Leave Reserve or Vermont Earned Sick Time policies for specific eligibility and benefit provisions.

## 4.14 Vermont Earned Sick Time (VEST)

The Vermont Earned Sick Time (VEST) benefit allows eligible employees to accrue a bank of hours that may be used as paid time off for certain health or safety needs and/or for the care of a qualifying family member.

### Eligibility

In order to be eligible for VEST an employee must:

1. Be classified as a non-benefits-eligible faculty or staff employee\* OR as a student employee, AND
2. Work primarily in Vermont, AND
3. Be at least 18 years of age, AND
4. Work for a least a full year, AND
5. Average at least 18 hours of paid time per week in the year.

*\*benefits-eligible staff employees should refer instead to the Combined Time Off policy and benefits-eligible faculty members to the Faculty Leave Reserve Policy.*

### Allowable Uses

In any calendar year leave period (January 1 to December 31) a VEST eligible employee may use up to their accrued VEST balance - but no more than 24 hours total - for any of the following reasons:

#### Self (Employee)

- Care for the employee’s own physical or mental illness, injury, or medical condition that requires homecare, professional medical diagnosis or care, or preventative medical care.

#### Family

- Care for the employee’s sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild or foster child’s physical or mental illness, injury, or medical condition that requires homecare, professional medical diagnosis or care, or preventative medical care.
- Care for the employee’s parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild or foster child including help to obtain diagnostic, preventative, routine, or therapeutic health treatment.

Routine healthcare treatment includes travel to and from an appointment, a pharmacy, or other location related to the purpose for which time was taken.

- Accompanying the employee's parent, grandparent, spouse or parent-in-law to an appointment related to his or her long-term care.
- Arranging for social or legal services or obtaining medical care or counseling for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild or foster child who is a victim of domestic violence, sexual assault, or stalking.
- Care for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild or foster child because the school or business where the individual is normally located during the employee's workday is closed for public health or safety reasons.

*VEST may not be used for personal absences such as for family vacation or for scheduled school closings or for any other reason not specifically outlined in this policy.*

### **VEST Waiting and Accrual Period**

VEST accrues on an annual basis; to be eligible for an accrual an employee must have been employed for a full year and have averaged 18 or more paid hours (including: regular worked time, overtime, and any other paid time) for the period. Average hours are calculated by dividing total hours worked in the year by 52.

During the first pay period after the year ends eligible employees will be credited with a lump sum accrual of 1 hour of VEST for each 52 hours paid *up to a maximum accrual of 24 hours per year*.

### **Carryover**

Accrued, unused VEST will carryover at the end of the calendar year up to a maximum of 40 hours.

### **Using VEST**

- VEST can be used to *replace scheduled work time* (that is, it cannot be used for time an employee is not scheduled to work) which was missed for qualifying health or safety reasons.
- VEST is used in increments of not less than 15 minutes and not greater than the length of the scheduled shift.
- Employees must make reasonable efforts to avoid scheduling routine or preventative healthcare during work hours.
- Employees must provide reasonable advance notification of their need to use VEST, following established departmental procedures for requesting time off.
- Employees who are absent for longer than three days may be required to give medical evidence of illness and/or medical certification of fitness to return to work.
- VEST is paid at employees' regular hourly rates.
- Employees may be asked to provide reasonable proof that their use of VEST is for a purpose allowed by the policy.

Recording time used:

- **Non-exempt (hourly) staff and student employees:** use the VST earn code to record time on BannerWeb timesheets.
- **Exempt (salaried) staff and faculty employees:** record used VEST hours by emailing [hr@middlebury.edu](mailto:hr@middlebury.edu) and copying direct supervisor within 1 week of the used time.

### **Other Important Information**

VEST is not recognized as hours worked for purposes of calculating eligibility for overtime pay.

- Employees are not entitled to be paid for accrued but unused VEST upon resignation or other termination of employment; accrued, unused balances will be forfeited at termination.

- Available VEST balances may be viewed in Banner Web (Employee/Time Off Current Balances and History).
- VEST hours used will show on employee paystubs and may be viewed in Banner Web.
- An employee who transfers to work in a state other than Vermont will no longer accrue VEST but may continue to use VEST that has already accrued.
- An employee who transfers from a VEST eligible position into a position eligible for CTO will have his/her accrued, unused VEST balance transferred to SLR and may use that code to record time used for any purpose allowable under VEST. Similarly, an employee who transfers from a VEST eligible position into a position eligible for Faculty Leave Reserve (FLR) will have his/her accrued, unused VEST balance transferred to FLR.
- There is no cash-out of accrued VEST under any circumstances.
- Vest may not be used for any purpose not specifically covered by this policy.

## 5. Payroll

Please select from the following content:

- [5.1 Direct Deposit](#)
- [5.2 Deductions](#)
- [5.3 Advances](#)
- [5.4 Reporting Time and Payroll Issues](#)

### 5.1 Direct Deposit

Employees are strongly encouraged to have pay checks directly deposited. Deposits may be made to any U.S. domestic bank by filling out the online form via [BannerWeb](#) ([click here for instructions](#)). An employee may elect to deposit to a maximum of two bank accounts if so desired; however, partial direct deposit is not permitted. Pay stubs are mailed to the employee's campus address.

When a request is made for direct deposit to a new bank or account, the first check issued after the request will be a real check while the information is pre-noted to the bank. Provided the information is correct, the next paycheck will be a direct deposit.

### 5.2 Deductions

Certain deductions, required by law or elected by the employee, will be made automatically from the paycheck. These include:

#### 1. *Federal and State Taxes*

The law requires withholding taxes based on an employee's W-4 statement. The amount withheld will vary according to the earnings and number of exemptions claimed.

#### 2. *Social Security & Medicare (FICA) Taxes*

In compliance with the Federal Insurance Contribution Act (FICA), the College makes deductions from an employee's pay that, with an equal contribution by the College, are credited to the employee's social security

account.

### 3. *Voluntary Withholding*

Employees may wish to pay for their insured benefit plans and/or United Way through voluntary withholding. Some insured benefit plans allow employees to withhold funds from their wages before taxes are calculated ("reduction"). Other withholdings may be allowed only after taxes have been calculated ("deduction").

## 5.3 Advances

The College does not advance pay.

## 5.4 Reporting Time and Payroll Issues

All employees of the College are paid every other Friday on a biweekly pay period basis. If a payday falls on a holiday, employees will receive paychecks on the last working day of the week. The pay period begins on Monday and ends on the following second Sunday.

The pay calendar schedule can be found in the [Compensation Section](#) of the Human Resources Web site.

All time must be submitted by noon on the Tuesday following the close of the pay period in order to be included in the next pay check. If employees feel their check may be inaccurate, first they must verify that their time was submitted accurately and on time. Issues regarding rate of pay, positions or titles, and CTO should be directed to Human Resources. Other paycheck issues such as taxes and direct deposits should be directed to Payroll.

BannerWeb is the primary method used on campus for recording time. BannerWeb is a web-based system which allows employees to access and enter their time from any computer with internet capability. Employees should confirm with their supervisors for training on the time-keeping standards used in their respective departments.

Reporting time accurately is critical. It is the responsibility of the employee to report his or her time, and the responsibility of the supervisor to verify the employee's time. Falsification of a time record is a terminable offense, as is the knowing approval of a false time card.

In order to meet the needs of the College community, attendance and promptness are taken into account in performance reviews. If an employee is unable to come to work for any reason, the employee must contact the appropriate supervisor before the start of the workday. If the employee is unable to reach the supervisor, he or she should follow the department's procedure for notification. The College appreciates as much notice as possible. Individual departments, due to coverage needs, may set specific notification times.

## 6. Staff Compensation

Please select from the following content:

- [6.1 Staff Compensation Program](#)
- [6.2 Job Descriptions](#)
- [6.3 Eligibility for Overtime and FLSA Compliance](#)
- [6.4 Shift Differentials](#)

- [6.5 Compensation Issue Resolution Process](#)
- [6.6 Travel Time](#)

## 6.1 Staff Compensation Program

The compensation team evaluates pay practices and market conditions, participates in surveys, and supports managers and the HR department with position classification, position descriptions, and salary recommendations.

Positions at Middlebury are grouped according to content in one of four career bands. Within each band, there are multiple levels with salary ranges associated with them. Middlebury College is committed to maintaining a competitive staff compensation program in order to attract and retain the most qualified employees.

As described in the Administrative Guidelines, the College's program relies on the tools below for assigning positions to a Career Band and Level.

- [Career Band Definitions](#)
- [Job Content Framework](#)
- [Job Description Review Process](#)
- [Ranges](#)

## 6.2 Job Descriptions

The job description summarizes the purpose of a job, its primary and essential responsibilities, and the minimum qualifications needed to perform the job in terms of education (or equivalent experience), experience, special skills, physical requirements, etc. Human Resources maintains a database of staff job descriptions. Supervisors can submit changes to descriptions and/or new descriptions to Human Resources electronically through PeopleAdmin. Human Resources can assist in updating or creating job descriptions. A website is available which allows for on-demand viewing of all job descriptions at the following link: <https://go.middlebury.edu/jd>.

## 6.3 Eligibility for Overtime and FLSA Compliance

Middlebury College conforms to all terms of the Fair Labor Standards Act (also known as the Federal Wage and Hour Law), including the payment of minimum wages and overtime pay. These laws establish the criteria for determining which positions are "non-exempt" (eligible to receive overtime pay), and which are "exempt" (not eligible to receive overtime pay). Human Resources is responsible for ensuring compliance with such laws, including the determination of exempt and non-exempt status. Direct questions concerning exempt and non-exempt status of positions to Human Resources.

Executive, administrative, and professional positions that meet specific federal criteria are exempt positions and will be paid a fixed salary based on a standard number of hours worked per pay period. No overtime is paid for hours worked in excess of a standard 40-hour week.

Positions that do not meet the federal exempt criteria are non-exempt positions that receive overtime pay at a rate of one and one-half times the regular hourly rate for all hours worked in excess of 40 hours in one week. The regular hourly rate is defined as total pay, that is base pay for the week plus other pay such as shift differentials, divided by the total number of hours worked in that week. For the purpose of computing overtime compensation, CTO, paid holidays, and paid sick leave reserve are counted as time worked.

*Overtime for non-exempt employees:* It is the policy of the College to accomplish its work within normal work schedules without unreasonable overtime. Some positions, however, by the nature of their responsibilities and the demands of the academic year, require irregular and heavy work schedules. All employees may be asked to work extra hours as needed. Overtime assignments will be distributed as equitably as practicable to all employees qualified to perform the required work. Employees should not work overtime without prior approval from their supervisor. However, once the work has occurred all overtime will be paid. Failure to receive prior approval will be addressed as a performance issue.

Each biweekly pay period consists of two Monday through Sunday work weeks. Each work week stands alone for the purposes of determining overtime. Averaging over any period beyond the seven day work week is prohibited. The first 40 hours worked, or a combination of worked hours, CTO, SLR, and paid holidays are paid at straight time. Any time worked after the 40th hour is paid as overtime.

*Example:* Monday, eight hours; Tuesday, eight hours; Thursday, eight hours; Friday, four hours; Saturday, eight hours; Sunday, eight hours for a total of 44 hours. The overtime hours are the last four hours worked on Sunday, not the four hours worked on Friday. Time cards and paper and electronic timesheets must be coded accordingly to ensure proper payment of overtime.

An exception to charging the last hours over 40 as overtime will be made in cases where an employee holds two non-exempt positions, such as a full-time primary job and a second on-call position, and has recorded hours in more than one of the positions. In that case overtime will be charged to the second position for any hours over 40 in a workweek.

*Compensatory time:* Compensatory time (Comp time) is not permitted. This is the practice of saving or holding extra hours worked to be exchanged for time off or paid at a later time, to avoid payment of overtime. All hours worked must be reported in the period they are worked and will be paid on the standard biweekly pay cycle.

## 6.4 Shift Differentials

Middlebury College provides an hourly wage supplement called a shift differential to non-exempt employees who work between the hours of 6 p.m. and 7 a.m. and during weekends. The purpose of shift differentials is to recognize that these hours, while essential to operate the facilities of the College, are generally more challenging for staff members to work.

Shift Identification:

Day Shift Period: Hours between 7 a.m. and 6 p.m.;

Evening Shift Period: Hours between 6 p.m. and 12 a.m.;

Night Shift Period: Hours between 12 a.m. and 7 a.m.

Weekend Shift Period: Hours between Saturday 12:00 a.m. and Monday 12:00 a.m.

All non-exempt employees are paid an additional \$1.50 per hour for each hour worked in the evening shift period and an additional \$3.00 per hour for each hour worked in the night shift period and \$1.00 per hour each hour worked during the weekend. Shift differentials are automatically calculated in Oracle based upon the start and stop times that are recorded on a time card. Shift differentials are paid only for hours worked and are included in the calculation of overtime pay rates. When more than one differential applies, such as nights during the weekend, both will be paid. Differentials are not paid for CTO, SLR, bereavement, holiday, and other time off.

Departmental exceptions to this policy must be approved by Human Resources. Ineligible positions include tipped employee jobs and student jobs (contact Human Resources for complete list). Shift differential amounts will be periodically reviewed.

## 6.5 Compensation Issue Resolution Process

If employees disagree with any decisions from Human Resources related to their compensation, they should review the disagreement with their supervisor and department head. The supervisor and department head should be sure that the employee's expectations under the compensation program are reasonable and that the employee understands the program as it relates to his or her particular situation. Following the evaluation, if the supervisor determines there needs to be further review, the supervisor or department head and the employee should make an appointment with Human Resources to discuss the position and the decision. Human Resources will reevaluate its original position in light of any new information. The decision resulting from the Human Resources review will be final.

## 6.6 Travel Time

### Definition<sup>2</sup>

Travel time is the time spent actively traveling between the normal work site and another location where work will be performed. Commuting time to and from the normal workplace is not considered travel time under this policy.

### Non-exempt (Hourly) Employees<sup>2</sup>

Occasionally non-exempt (hourly) College employees are required to travel within the United States and/or abroad. Pay for non-exempt employees traveling on business is governed by provisions of the Fair Labor Standards Act (FLSA). Under FLSA regulations non-exempt employees are eligible for compensation for the time they spend traveling in excess of their normal commute. The number of compensable travel hours depends on whether the trip is one day only or overnight, and whether the travel time takes place within normal or outside of normal work hours.

Travel time will be paid at the employee's regular hourly rate, or overtime rate when the total number of hours worked is in excess of 40 in a pay week (Monday through Sunday), in accordance with Middlebury College's normal overtime policy.

### Same Day Travel<sup>2</sup>

**From/To The Normal Workplace:** For non-exempt employees who report to the normal work site prior to traveling, all time spent traveling between work locations during a single workday is considered work time and as such will be paid time.

**From/To Home:** When an employee departs directly from his/her home for work-related travel (that is, begins travel without first going to the normal work location), and when an employee returns directly home from work-related travel (without first reporting to the work location) normal commuting time should be deducted from the travel time.



### Overnight Travel

When travel keeps the employee away from home overnight any portion of authorized travel time that takes place *within normal work hours* on any day of the week, including Saturday and Sunday, is treated as work hours.

To calculate worked time when an employee is away from home overnight the employee should only report time that cuts across normal work hours. When traveling *to* a location, worked time will include time from when the employee leaves home until the employee reaches his/her destination, *less the employee's normal commute time*. The destination is either the hotel or the work site (whichever location the employee travels directly to). If the employee is returning home *from* a remote location, the destination is the employee's regular worksite. If the employee travels directly from the remote worksite to home, then the travel time is calculated as the time from the remote worksite to home, *less the employee's normal commute time*.

When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine the number of work hours and whether or not the travel falls within normal work hours.

Once the employee has reached the away work destination travel between the hotel and worksite is considered normal commuting time and is not eligible for compensation unless the employee is asked to, or volunteers to, drive another employee to the worksite, in which case the time would be considered work time.

Free time, time spent sleeping, eating meals, and other personal activities is not considered work time and is not compensated.

### Exempt (Salaried) Employees

Exempt (salaried) employees are not paid on the basis of hours worked, and therefore there is no pay adjustment for time spent traveling outside of regular hours. In certain cases exempt employees may be able to "flex" their schedules when traveling, but such flex time is not intended as compensatory time and is subject to approval by the employee's manager.

### Travel Expenses

Employees are reimbursed for out-of-pocket travel expenses allowable under Middlebury College's [Travel, Entertainment and Expense Policy and Procedures](#).

*Note: This policy applies to employees whose travel is incidental to their work (that is, employees who are traveling somewhere to do their work); it is not intended to apply to those employees whose work is the travel itself. For example, this policy does not apply to employees who are engaged to drive vans transporting students or other employees or to employees engaged to transport materials between campus locations; all such driving time is regular work time, not travel time.*

## 7. Evaluating Job Performance

Middlebury is committed to a model that centers holistic and honest feedback up, down and across our teams and prioritizes personal and professional growth on an ongoing basis. Supervisors and staff are encouraged to have early and frequent feedback conversations. The goal of the conversations should be to reflect on successes, challenges, and opportunities moving forward.

Supervisors and employees should have frequent conversations throughout the year and are expected to meet in alignment with our current tools and practices.

see: [Procedures -- Quarterly Growth Conversations](#)

## 8. Employee Relations

Please select from the following content:

- [8.1 Problem Solving](#)
- [8.2 Progressive Discipline](#)
- [8.3 Staff Development Funds](#)

### 8.1 Problem Solving

Middlebury College strives to maintain effective employer-employee and employee-employee relations within the context of the at-will employment relationship. The College seeks to promote open communication between its employees with appropriate involvement of Human Resources, if necessary, to facilitate a resolution of employee concerns. Employees are encouraged to bring concerns directly to the attention of their immediate supervisor or, if uncomfortable in doing so, to their second level manager, Human Resources, Middlebury College Staff Council (MCSC), or an ombudsperson. If the concern remains unresolved, formal College resources such as an ombudsperson, the Human Resources Office, or the MCSC should be engaged. A list of ombudspersons can be found under [People Who Can Help](#) on the Human Resources Web site.

As an educational institution, Middlebury College is committed to maintaining a campus environment where discrimination or harassment on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information or against individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law is unacceptable. Middlebury complies with state and federal laws that address discrimination in the workplace.

see: [Middlebury College Non-Discrimination Policy](#)

### 8.2 Progressive Discipline

The College maintains a progressive discipline system to serve as a fair and consistent means to enforce College rules and regulations and to address conduct or performance deficiencies. The purpose of progressive discipline is to retain employees through identification and correction of problems.

If the College decides to take corrective action, the disciplinary actions applied may include a verbal warning, a written warning, a written reprimand, and/or termination from employment. In instances of written warnings, written reprimands, or termination from employment, supervisors should confer with Human Resources concerning the rationale for the disciplinary action. Written documentation should be forwarded to Human Resources for review before it is delivered to the employee.

At any stage in the process, the College may decide to separate the employee from his or her work environment. Administrative leave is used to provide all parties time to reflect on the situation. Administered at the College's discretion, the length of the leave will be determined by the circumstances, with no loss of pay.

Every type of action need not be taken in each case, and depending upon the relevant circumstances, the College may decide to take any disciplinary action, including immediate termination, at any time. The College reserves the right to terminate the at-will employment of any employee at any time, with or without cause or notice. In instances of termination of employment, supervisors must obtain the approval of both the next-level supervisor and Human Resources management before any termination decision is made.

## Staff Development Fund

The College encourages the development of employee job skills. An employee may submit applications to the staff development fund for support of activities that will enhance job performance.

Staff professional development is budgeted at the department level, therefore this fund is designed to help offset rather than replace costs to departmental budgets.

Travel to meetings of professional organizations is also budgeted at the departmental level and is not supported by this fund. The staff development fund does not normally provide tuition payments for college-level or graduate-level courses. These may be funded via the [Continuing Education Fund](#) benefit.

The fund supports a variety of work-related development activities that may include: participation in short courses, workshops, and training programs, as well as opportunities for staff members to prepare training programs and workshops for other employees on campus. In some cases the College will consider supporting self-improvement projects designed to benefit the individual or to facilitate career advancement only if there is significant promise of benefit to the College as well.

Staff members applying for staff development funds must have successfully completed their provisional period, which is typically three months. The application must have the prior approval of the applicant's immediate supervisor and, if different, the prior approval of the budget director for the area in which the employee works. A detailed budget should be included in the application. To simplify the administration of the fund and maximize the chances of program approval, an employee should include as much information as possible about the program and explain how it relates to his/her work. The application should be submitted in a timely manner prior to the requested event.

In reviewing/approving applications for staff development funds, priority is given to:

1. Programs/workshops providing skills training that is required for the job.
2. Programs/workshops providing skills training that is directly job-related and has been identified as a need in the employee's performance evaluation or development plan.
3. Programs/workshops that provide skills training that is directly job-related.
4. Programs that prepare the employee for future work-related opportunities.

## Application Form

[Click here to access application form.](#)

## 9. Leaving Middlebury College

Please select from the following content:

- [9.1 Leaving Middlebury College](#)

- [9.2 Voluntary Termination of Employment: Resignation](#)
- [9.3 Discharge](#)
- [9.4 Retirement](#)
- [9.5 Reduction in Force](#)

## 9.1 Leaving Middlebury College

Middlebury College values employees' contributions to the successful operation of the College, expecting a productive and mutually satisfactory employment relationship. It is understood, however, that the employment relationship between Middlebury College and its employees is at-will, meaning that either the College or the employee may terminate that relationship with or without notice or cause, at any time.

Human Resources will provide departing employees with a packet of information summarizing changes to employee benefits, conversion privileges, repayment of outstanding debts to the College, and return of College-owned property.

## 9.2 Voluntary Termination of Employment: Resignation

Resignation is defined as employment termination initiated by an employee who chooses to leave the College voluntarily. Employees who are considering leaving Middlebury College for any reason are encouraged to discuss their situation with their immediate supervisors before making a final decision.

If the employee voluntarily leaves the College, it is expected that as much notice as possible will be given. At least two working weeks' notice is customary for non-exempt (hourly paid) employees, while administrative and professional staff (salaried) are expected to give at least one month's notice. A letter of resignation addressed to the department head, stating the final date(s) of employment will be forwarded to Human Resources. Before leaving, the employee should contact the Human Resources office to confirm benefit transition arrangements and to turn in ID cards, keys, and any other College property.

## 9.3 Discharge

Discharge is defined as employment termination initiated by the College.

In all cases of separation, final CTO payout may be withheld until keys, ID cards, and other College property are returned to the supervisor or the Human Resources Office.

## 9.4 Retirement

The College has no standard retirement age. However employees who have met certain age and service requirements when they leave the College will be classified as "Middlebury Retirees" and may be eligible for certain retiree benefits. In order to be eligible for retiree benefits an employee must:

- a) have been employed by the College in a benefits-eligible position for ten consecutive years following the attainment of age 45; or

b) be a faculty member who has resigned from a tenured position to take a part-time position, regardless of age or years of service.

Retiree benefits may include certain post-retirement benefit programs, a retirement gift from the College, retiree lunch benefits, retiree I.D. card.

A retiree who has met the eligibility requirements for the dependent education programs will remain eligible for these programs.

Contact Human Resources for benefit eligibility details.

The last day prior to retirement must be a worked day or a Middlebury Holiday (it cannot be a CTO day or unpaid day), except that special rules apply to employees retiring as a result of disability.

Middlebury College appreciates the advantages that phased or transitional retirement arrangements offer to both the employee and the College. Middlebury College is willing to work with employees on a case-by-case basis to assist them in a successful and fulfilling transition into retirement. Due to operational needs, not all options are open to all employees. Contact Human Resources at ext. 5465 for guidance.

## 9.5 Reduction in Force

A Reduction in Force (RIF) is defined as the laying off of more than one or consistent with Vermont law for staff employees. The purpose of the procedure is to ensure appropriate consultation and communication within the College community as well as to clarify procedures to be followed. The procedures go into effect at the time a possible RIF is announced. This procedure does not apply to seasonal employees, employees hired for fixed periods of time, or employees dismissed as an outcome of performance concerns.

Managers considering reorganization of their units should consult with Human Resources. They will be expected to complete a specific process as outlined in the Reorganization and Severance Policy, in partnership with Human Resources.

## Introduction

All Language Schools students, faculty and staff are subject to the Language Schools policies set forth below as well as the [Middlebury-wide policies](#) in the general Middlebury Handbook. Some matters of the Language School faculty may be guided by the principles of the Faculty Handbook. Language School staff are subject to the [Employee Handbook](#) policies applicable to their specific employment category. All Language Schools students attending programs outside of the Middlebury Campus owned and/or operated campuses (e.g., Bennington College, Paris and Buenos Aires) are also subject to the policies applicable to those programs.

These policies may be amended from time to time and therefore students, faculty and staff should review the most current online version for any updates. Any amendments as published on this website shall supersede wholly any prior versions of the policy(ies). Middlebury endeavors to present an accurate overview of the programs, facilities, and fees of the Language Schools in this handbook. However, Middlebury reserves the right to alter any program, facilities, or fees, described below or in other publications without notice or obligation.

Middlebury College has unrestricted right to use and publish photographs taken of participants while enrolled at the Middlebury College summer programs. This includes photographs or videos, for editorial purposes, or any other official college purpose. This may include print, electronic, or any other media form.

## Please choose from following content:🔗

- [A. Student Conduct Policies](#)
- [B. Academic Policies](#)
- [C. Financial Policies](#)
- [D. Residential Life Policies](#)
- [E. Policies for Faculty](#)

### A. Student Conduct Policies

All Middlebury Language Schools students are subject to the [Middlebury-wide Policies](#) in the Middlebury Handbook. Particularly relevant to Language School students are the Student Conduct Policies, which describe the values and expectations of all participants:

1. [Language Pledge](#)
2. [Respectful Behavior](#)
3. [Honesty and Cooperation in Middlebury Matters](#)
4. [Non-discrimination](#)
5. [Open Expression](#)

### Language Schools Disciplinary Process

This section describes the disciplinary process that is normally followed when violations of Middlebury policies are alleged. Where other Middlebury policies specify separate processes, those processes will apply. See, e.g., the [Non-Discrimination Policies](#) and the [Hazing Policy](#). Moreover, where applicable laws where the program takes place mandate different procedures or policies, those procedures or policies will apply.

Since Middlebury lacks full judicial authority, such as the power to subpoena or place witnesses under oath, a student's rights cannot be coextensive with or identical to the rights afforded someone accused in a civil or criminal legal proceeding. However, the procedures outlined below and in the [Non-Discrimination Policies](#) and [Hazing Policy](#) are designed to provide fundamental fairness and to protect students from arbitrary or capricious disciplinary action. All judicial affairs officers, human relations officers, deans, directors, and other Middlebury disciplinary authorities shall conduct their proceedings in the spirit of these principles. If exceptional circumstances dictate variation from these procedures, the variation will not invalidate a decision unless it prevented fundamental fairness.

Students found to have violated Middlebury policy may be subject to the full range of disciplinary actions, as applicable, up to and including expulsion from any Language School program or other Middlebury program.

Alleged policy violations should be reported to the dean of Language Schools. The dean or designee (hereinafter referred to as "the dean") is ordinarily responsible for disciplinary action.

Except in cases of emergency suspension, withdrawal or expulsion as described above, the following disciplinary process will apply.

In the event that a complaint or report of an alleged policy violation is made against a Language School student, the accused student will be given notice of the alleged violation and an opportunity to respond to the allegations prior to any determination or disciplinary action. The notice may be given orally or in writing. The "opportunity to respond" means that the student will be given an opportunity to meet and/or communicate with the administrator responsible for adjudication.

The dean will then make a determination, based on a preponderance of the evidence, as to whether the student violated the policy at issue. Formal rules of evidence do not apply in Middlebury conduct proceedings. If a student is found responsible for a policy violation, the dean shall determine what disciplinary or other action should be taken, if any. If the dean determines that the circumstances do not warrant immediate expulsion from the program, the adjudicating official may take other action, including the issuance of warnings, reprimands, probationary status, official College discipline, or suspension from the program. The dean may also assign non-disciplinary action as appropriate, including the issuance of No Contact Orders, room changes, class changes, or other actions as needed. Disciplinary action may be accompanied by notification to the student's undergraduate or graduate institution (or any other program in which the student is involved) and to the parents of dependent students.

### **For non-academic misconduct**

Potential violations of Middlebury-wide, Language School, or General Conduct policies should be reported to the dean of the Language Schools, or designee. For conduct that is unlikely to result in removal or a status change for a student, cases will be assigned to the director of individual language schools for resolution. Sanctions may range from educational sanctions to punitive sanctions to include warnings, reprimands, and probation. For conduct that may result in removal or a status change, the situation will be investigated by Public Safety if necessary and the dean or designee will be responsible for adjudicating the case through an administrative hearing process to determine if there is a policy violation and if so, assign an appropriate sanction up to and including expulsion. At any point in the process the dean or designee may reach out to Community Standards for consultation and support. For Middlebury Undergraduate students, suspension or expulsion may carry forward into the undergraduate academic year.

### **For academic misconduct**

Potential violations of Academic Integrity policy should be reported to the director of the individual language school who will notify the dean upon receipt. Directors will be responsible for gathering evidence and materials from the reporting faculty and have an initial meeting with the student to share the concerns. Directors will then share the materials with the dean, or designee for adjudication. At any point in the process directors may reach out to Community Standards for consultation and support. The dean or designee will be responsible for adjudicating the case through an administrative hearing process to determine if there is a policy violation and if so, assign an appropriate sanction up to and including expulsion.

In cases that result in suspension or expulsion, the student may appeal the decision to the Provost, or available academic officer, within three (3) business days of issuance of the determination. Appeals may be granted on the bases of one or more of the following grounds:

- Discovery of significant new factual material not available at the time to the dean of the original hearing that could have affected the original result; however, prior omission of factual information that the student knew or should reasonably have known about is not grounds for an appeal;
- Procedural error where the error prevented fundamental fairness;
- Extreme mitigating circumstances.

The student must submit evidence and/or arguments they believe support any of the three grounds for appeal listed above, and their explanation of the evidence or arguments. The Provost, or available academic administrator may deny the appeal, or if one or more of the appeal grounds have been met, may:

- return the case to the dean or designee for reconsideration; or,



- appoint an alternate disciplinary authority, as appropriate, to review the case.

Absent extenuating circumstances, the provost will notify the student of the appeal decision within five business days of the appeal receipt deadline. This deadline may be extended if warranted by the circumstances, in which case the student will be notified at the time the extension is determined.

The decision is made by the Provost to grant or deny the appeal. Should an appeal be granted, the subsequent determination and/or sanction is/are final.

For the purposes of appeals, the Provost will be used as the appellate authority. However, given the nature of Language Schools and the timing of programs, an appropriate academic administrator may serve as the appellate authority depending on availability.

## Withdrawals and Readmission

### A. Voluntary Withdrawal

i. The Language Schools provides a range of support services to address the medical needs of students, including mental health needs, within the context of the campus community. On occasion, students may experience health needs requiring a level of care that exceeds what Middlebury can appropriately provide. In such circumstances, students may withdraw from their Language School program (see “Voluntary Withdraw,” above).

To withdraw from the Language Schools, a student must complete and sign an official Withdrawal Form, which may be obtained from the student’s School Director or Assistant Director. For more information, refer to the [Withdrawals and Refunds Policy](#). Students who withdrawal are subject to the readmission requirements below.

### B. Mandatory Withdrawal

In situations where a student is unable or unwilling to carry out substantial self-care obligations, where their behavior is unduly disruptive to the community, where current medical knowledge and/or the best available objective evidence indicates that a student poses a significant risk to the health or safety of others, or where a student poses an actual risk to their own safety not based on mere speculation, stereotypes, or generalizations about individuals with disabilities, and the student does not want to withdraw voluntarily, the dean of the Language Schools or designee (hereinafter referred to as the “dean”) has the authority to withdraw the student.

ii. Before placing any student on a mandatory withdraw, Middlebury will do an individualized assessment to determine if there are reasonable accommodations that would permit the student to continue to participate in the campus community without withdrawing from the program. A medical evaluation by a competent specialist may be required. To enable careful, individualized consideration, the student may need to sign a release authorizing disclosure of relevant information by and between treatment providers working with the student and the appropriate Middlebury official(s).

iii. The student will be notified of the withdrawal decision in writing. Student(s) will be given notice and an opportunity to speak with the dean prior to or within three business days following the start of the mandatory withdrawal. The decision may be appealed, following the procedures set forth in Section iv., below.

iv. An appeal of a mandatory withdrawal decision may be made in writing (including email) to the provost or designee (hereinafter referred to as the “provost”) within three business days of receipt of the decision. The appeal must state the grounds for the appeal and include any supporting evidence. Absent extenuating circumstances, the provost will ordinarily notify the student of the appeal decision within five business days of receipt of the appeal. Students awaiting the outcome of an appeal are ordinarily required to depart campus, at their expense, until the appeal is resolved.



v. Students withdrawn under this section may also be subject to the normal disciplinary processes if their conduct has violated any Middlebury policy. If disciplinary action is appropriate, the matter must be resolved either before or immediately upon the student's return.

### **C. Emergency Removals**

This process is guided by Middlebury's [Emergency Removals Policy](#).

### **D. Readmission to Subsequent Summer/Year**

i. A student who seeks readmission to the Language Schools after withdrawal should contact the Assistant Director of the relevant Language School. Students eligible for readmission can expect to receive instructions for completing applicable readmission forms from the appropriate Language School official. They must confirm their plan to return to their Language School program by December 1st of the year preceding the summer they seek readmission for (e.g. December 1, 2025 for readmission for summer 2026). Students may be subject to certain readmission requirements. See below.

ii. Many students who withdraw will have no requirements attached to their readmission to the Language Schools. In some cases, a dean, program director, the VPSA, Provost, or other appropriate Middlebury official or designee may impose specific requirements for readmission to the Language Schools if the circumstances of the student's departure warrant it. The goal of such conditions is to prepare the student for a successful return to Middlebury; for example, a student may be asked to complete pre-approved coursework at another institution in order to demonstrate readiness to return to rigorous academic work or to provide clinical information to staff of the Center for Health and Wellness to facilitate a successful return. For example, a student may need to complete the Medical Return Form and respond to any follow-up requests for information from Parton staff. If the withdrawal is health-related, any conditions or requirements for reinstatement will be based on an individualized assessment of each student including consideration of current medical knowledge and/or the best available objective evidence. When a Medical Return Form is required, careful consideration will be given to the opinions and recommendations of the student's treating physician or mental health professional, if available.

iii. As appropriate to the individual circumstances of a student's departure, a dean, program director, VPSA or other Middlebury official or appropriate designee may also require that the student provide information to their program director, Class Dean, or other appropriate Middlebury official when they seek readmission. Typically, this includes a letter about the student's understanding of the problem that led to the withdrawal, evidence of the student's work to resolve the issue and/or progress made in managing the issue and other information that may assist Middlebury in evaluating whether the student can safely and effectively participate in the Language School's academic programs, the undergraduate college or any other Middlebury program to which the student seeks readmission, as applicable.

iv. Students eligible for readmission to a Middlebury program other than the Language Schools (e.g., the undergraduate college) should notify their Class Dean, program director or other appropriate program official, as applicable, to obtain instructions for completing applicable readmission forms. They must confirm their plan to return with their Commons dean, program director or appropriate program official by the deadlines set by the official. For the undergraduate college please note the deadlines and requirements set forth in the [Student Status](#) policy. Undergraduate students who fail to confirm their plans to return by these deadlines will be placed on a waiting list for readmission. Normally, readmission to the undergraduate college is for fall or spring semester only. Students will be readmitted for winter term or summer study only with special permission from the Vice President for Student Affairs.

v. Students on probation for disciplinary or academic reasons will resume their probationary status upon their return for the duration of the assigned probationary period.

vi. In the rare circumstance that a student's request for readmission is denied on grounds of health or safety, the decision may be appealed in writing to the Vice President for Student Affairs or designee (undergraduate program), or as appropriate, to the Provost or designee (all other Middlebury programs). The appeal must state

the grounds for the appeal and include any supporting evidence. Absent extenuating circumstances, the appellate official will ordinarily notify the student of the appeal decision within five business days of receipt of the appeal.

### **E. Notice to the Student's Home Institution**

Middlebury reserves the right to notify all institutions or programs in which the student is (or will be) enrolled of any withdrawal of the student from a Middlebury Language School.

## **B. Academic Policies**

- [B.1 Academic Honesty](#)
- [B.2 Language Pledge](#)
- [B.3 General Policies](#)
- [B.4 Registration](#)
- [B.5 For Middlebury College Undergraduates](#)
- [B.6 Master of Arts](#)
- [B.7 Doctor of Modern Languages](#)
- [B.8 Grades and Transcripts](#)

### **B.1 Academic Honesty**

[Academic Honesty, the Honor Code, and Related Disciplinary Policies](#)↗

### **B.2 Language Pledge**

The Language Pledge is a firm commitment by students to use the language of study as their only language of communication during the summer session. It is the foundation of the residential immersion model of the Language Schools, designed to improve students' language proficiency as rapidly as possible across the skills – reading, writing, listening, and speaking. We expect all students to keep the Language Pledge, even on their own time. For violations of the Language Pledge that impact the learning of others in the community, students will be given written warnings. When repeated and documented violations threaten to disrupt the community, the student will be referred to the Dean's office for disciplinary action up to and including possible expulsion.

Students are not expected to speak in their language of study when they are faced with an emergency, when conversing with a member of the Middlebury administration, when speaking with a healthcare professional, and on those occasions when it is absolutely necessary to use English or another language.

### **B.3 General Policies**

#### **Attendance**

Attendance and participation in all classes is mandatory and an integral part of the academic program. Students must receive written approval from their School director for all absences and are ordinarily are not permitted to

miss more than three days of class for any reason. Missing more than three days will likely result in removal from the program and failing grades. No reimbursement will be given in such cases.

## **Placement Tests**

Test results, rather than length of previous study, determine placement in courses. By applying to a Middlebury Language School, students indicate the willingness to accept placement determined by the School on the basis of placement tests. Students should check their School's arrival information for times and locations of placement tests. Final determination of a student's placement lies with the School's Director.

Students should check their School's arrival information for times and locations of placement tests. Schools will provide students with pertinent information regarding the time and place for advising and course selection.

## **Transferring from One School to Another**

Middlebury Language Schools offer admission to one language school. It is rarely possible, and is not permitted after the first week of classes, for a student to transfer from one Language School to another. In those cases in which transfer may be possible, permission is required from the directors of both Schools and the dean of Language Schools as well as completion of the application and enrollment processes.

## **Curriculum**

In the intensive language curriculum (3100–3504), you may enroll in courses in one language only, and should normally enroll in courses at one level only. The first digit of the course number does not indicate level.

At the graduate level, Middlebury offers the Master of Arts and the Doctor of Modern Languages degrees. The graduate curriculum in Arabic, Chinese, French, German, Teaching Hebrew as a Second Language, Italian, Japanese, Korean, Russian, and Spanish (courses numbered 6501–6999) is made up of courses in language analysis, literature, the social sciences, history, art and music history, and foreign language pedagogy. A normal load is three courses to be selected in consultation with the Director or Associate Director. First-year graduate students are placed in courses most appropriate to their linguistic proficiency, as determined by the results of placement tests taken prior to registration. Some students may be required to take one or more lower-level courses for undergraduate credit before beginning a full load of graduate work.

## **Evaluations**

You will be asked to complete online forms evaluating your summer experience. These evaluations are confidential: student names are not required and no faculty member will see the evaluation forms until grades have been submitted. You will also be asked to complete a general survey designed to help us improve our overall programs and facilities. We appreciate your cooperation in completing these questionnaires.

## **Policy on Research at the Language Schools**

Any research conducted at the Language Schools, whether on data produced by faculty, staff, or students, should be approved by an Institutional Review Board, and include an informed consent process, stating in clear and unequivocal terms that participation by faculty or students is entirely voluntary and in no way related to course requirements or grades. Research by Language Schools faculty and staff is eligible to be approved either through Middlebury's Institutional Review Board (<https://www.middlebury.edu/institutional-review-board>) or that of their home institution. Additionally, the Director of the School (or Schools) involved must be notified of the research conducted. Language School students may also only conduct research in the Language School context with approval from their home institution or Middlebury's IRB process and express permission of the Director of the School (or Schools) in which the research will be carried out.

## B.4 Registration

Graduate students in the Arabic, French, German, Italian, Japanese, Korean, Russian and Spanish Schools register for courses in BannerWeb and receive an email with instructions on registration procedures. All other Language Schools and programs hold course registration on site after arrival. Once students have selected courses with their advisors, registration information is sent directly to the Registrar's Office. Students' courses will be listed on BannerWeb on the first day of class. If an error in scheduling occurs, students need to check with the Assistant Director of their Language School.

### ADD/DROP Procedures

Add/Drop procedures are handled by each School office. Students must obtain the approvals of the instructors involved in the added and dropped courses, as well as approval of the director or associate director of the School. Students cannot add new courses after the Add/Drop deadline. Courses dropped before the Add/Drop deadline do not appear on transcripts. Courses dropped after the posted deadlines, but on or before July 17 will receive a grade of WD (withdraw) on the transcript. Courses dropped after July 17 receive a grade of WDF (withdraw failing) on the transcript. Notifying an instructor of non-attendance does not constitute official withdrawal from a course.

### Add/Drop Deadlines:

Arabic, Chinese, Japanese, Korean, and Russian 8-week sessions: July 2

English, French, German, Hebrew, Italian, Portuguese and Spanish 7-week sessions: July 8

Chinese, French, German, Hebrew, Japanese, Korean, Russian and Spanish 6-week sessions: July 10

Arabic, English and Italian 6-week sessions: July 12

Buenos Aires 6-week session: July 2

All 2, 3 and 4-week sessions: end of the third day of class

*\* Last date to drop without grade penalty for all programs is July 17*

### Credits and Credit Load

All credit awarded by the Language Schools is defined in terms of units.

One unit equals three semester hours of credit. Students enrolled in the eight-week session of the Arabic, Chinese, Japanese, Korean, and Russian Schools normally earn four units of credit. Students enrolled in the seven-week session of the English, French, German, Hebrew, Italian, Portuguese, and Spanish Schools normally earn three units of credit. Students enrolled in the six-week graduate programs of the Arabic, Chinese, French, German, Hebrew, Italian, Japanese, Korean, Russian, and Spanish Schools normally earn three units of credit.

Graduate students are not permitted to repeat a course for which they have received a passing grade and earned credit. For all other policies on retaking a graduate course for which a student received a failing grade, see section B.6.

For immersion students who have successfully completed a course in a prior summer, repeating that course is allowed only with permission of the director of the school. This permission to repeat that course only will be granted in exceptional cases. To request permission to repeat a course, non-graduate students must submit a request in writing. The request must include justification as to why permission to repeat courses should be considered. If approval to repeat a course (or courses) is granted, only the first grade is calculated into the grade point average, and the course is only counted once for credit, although both grades appear on the transcript.

For transfer purposes, the student's home institution determines how many credits, graduate or undergraduate, are granted. Students should consult their home campus advisors.

All summer students must pay the full tuition even if they carry less than the full load of courses, as defined for that Language School. Students may only enroll in a single course if that is part of an approved single-course pathway in that particular Language School.

During the academic year, in certain circumstances with approval of the Director, students can pay a single course fee for an online portion of a graduate program.

A degree must be earned within a 10-year period. All units of credit expire after 10 years, whether earned at Middlebury College or transferred from another institution. Thus, credit earned at the 2026 session will expire after the end of the 2036 session. The validity of a degree, which certifies a level of achievement, does not expire.

## **Auditing**

In general, students may not audit intensive language program courses. However, with the permission of the director of the School and the instructor, and if space permits, regularly enrolled full-time students may audit additional courses at the graduate level in the same School without charge. In rare cases, regularly enrolled students may change their status to that of auditor with the permission of the director of the School, but not after the third week of the session. Students granted special permission to change their registration status from full-time registered to auditor will no longer be eligible for any grants or Federal loans. Auditors may not change their status to that of regularly enrolled students without permission of the director of the School, and not after the first week of the session.

Occasionally, auditing privileges are granted to individuals not enrolled in one of the Language Schools, with the permission of the director of the School. Final decisions on the acceptance of auditors are not made until after the completion of formal registration of full-time students. On-campus housing cannot be guaranteed to auditors. Auditors are subject to the Language Pledge and they may take advantage of the co-curricular cultural program of the School, but they may not take an active part in classroom activities or expect out-of-class attention from faculty.

Audited courses are not recorded on the Middlebury transcript.

Auditors should check with Language Schools offices about the availability of on-campus housing. After receiving permission from the director of the School to audit, auditors should see the Language Schools budget coordinator for the costs associated with auditing and payment of fees.

# **B.5 For Middlebury College Undergraduates**

## **Course Numbers and Titles**

The titles and numbers of courses offered at the Language Schools during the summer may not match the titles and numbers of courses in the corresponding language departments during the academic year. The expectation is that the level in which students are placed by examination at or before the beginning of the summer session will reflect the work students have done previously in the language: that is, students will place at a level superior to that which students have successfully completed. If students place at a lower level than expected (i.e., a level for which students have already received Middlebury College academic year credit), students may enroll in the Language Schools, but might not receive academic credit for the classes taken at the Language Schools. Language Schools courses may be used to satisfy Middlebury College academic distributions and/or cultures and

civilizations requirements. Students should apply for academic distributions and cultures and civilizations tags with the Middlebury College department chair.

## Study Abroad

Students applying to a Middlebury C.V. Starr School Abroad program must submit a separate online application found at the following link: <https://go.middlebury.edu/sa?apply>.

## Middlebury GPA

As with other Middlebury College course work, the following circumstances will result in course work, grades, and GPA being posted to the undergraduate transcript:

- A student taking summer Language Schools undergraduate-level courses.
- A student taking summer Language Schools or Bread Loaf School of English courses at the graduate level who wishes to apply them to their undergraduate Bachelor of Arts degree.

**NOTE:** Middlebury undergraduates planning to use summer graduate-level course work toward the undergraduate degree must inform the Registrar's Office by the end of the summer session. Middlebury undergraduates may count graduate work at the summer Language Schools toward their Middlebury degree, but are not able to reuse the course work toward a subsequent Middlebury Master of Arts degree. No changes will be made once the course(s) has been recorded as undergraduate credit.

Graduate work that students do not want or need applied to the undergraduate degree will be designated by the GR attribute and only will appear on the graduate-level page of the transcript. In such cases, GPA will be calculated at the graduate level and become part of the overall Middlebury record.

**Post BA:** Courses taken and grades earned at a Language School at the undergraduate level after the Middlebury BA has been awarded will not be included in the BA GPA.

# B.6 Master of Arts

## Master of Arts Degree Candidacy

The Master of Arts degree in Arabic, Chinese, French, German, Teaching Hebrew as a Second Language, Italian, Japanese, Korean, Russian, or Spanish requires 12 units of course credit. Receipt of the Bachelor of Arts degree or the equivalent from a regionally accredited institution is a prerequisite for admission to the Master of Arts program. Students are notified by letter of their formal acceptance into the Master of Arts program after successfully completing three graduate-level courses during their first summer of study on the Middlebury or Bennington campus.

If a student earns a grade lower than B- in any course during the summer of candidacy, the student will be notified in writing that admission to the Master of Arts degree program has been denied. Students who are denied admission to the Master of Arts degree program may submit a letter requesting reconsideration of candidacy if special circumstances exist that contributed to the negative outcome of the summer of candidacy. Written requests will be reviewed by the director whose decision, in consultation with faculty and the vice president's office (if necessary), is final. Any student who is granted permission for readmission to the summer of candidacy must successfully complete all courses required for the degree.

For guidelines to specific Schools, please see below:

Arabic:

<https://drive.google.com/file/d/1PfFIvXV2NM4CLX3GFK1zhxMUXdS8XOVt/view?usp=sharing>

## Chinese

<https://www.middlebury.edu/language-schools/languages/chinese/graduate>

<https://docs.google.com/document/d/171O5V3Lcq47t7xPujNrOGqKKhUbvVaiB/edit>

## French:

[MA in French, degree requirements 2024/25](#)

[MA in Applied Languages; French, degree requirements 2024/25](#)

[MA in Applied Languages with TAPIF, degree requirements 2024/25](#)

[MA in French, Independent Research paper, 2024](#)

## German MA Degree Requirements:

<https://docs.google.com/document/d/1ED1awCYvSvsUIhbwnmVFiuBeuxMoxLQd/edit>

## Italian:

<https://www.middlebury.edu/language-schools/languages/italian/graduate>

## Japanese:

<https://www.middlebury.edu/language-schools/japanese/graduate-program-japanese/policies>

## Korean:

[https://www.middlebury.edu/language-schools/sites/default/files/2022-10/Korean%20Policies%202022-2023\\_1.pdf](https://www.middlebury.edu/language-schools/sites/default/files/2022-10/Korean%20Policies%202022-2023_1.pdf)

## Russian:

<https://docs.google.com/document/d/1CsPuIzes-zu4CuWNPd3loI7R7m8cOHom/edit>

## Spanish:

<https://www.middlebury.edu/language-schools/languages/spanish/graduate>

A highly-qualified undergraduate student may accumulate, before receipt of the Bachelor of Arts degree or equivalent, a maximum of three graduate units at the Language Schools to be applied toward the Middlebury Master of Arts degree. Such units will not count toward both degrees.

Master of Arts degree students who are assigned a grade of “F” will be dismissed from the program. All other failing grades (see [Grades and Transcripts](#)) represent unsatisfactory progress and may jeopardize a student’s eligibility for federal loans, and may be grounds for dismissal from the program. Transfer courses may not be used to make up failures (see *Transfer Credits* section below). All failed summer courses must be made up in a summer session at Middlebury or Bennington. Failed online academic year courses may be made up in a subsequent online semester, even if this means that students are taking more than the expected course load per online semester.

A Master of Arts candidate who withdraws from a School Abroad may complete the degree only through further study during a summer session at Middlebury or Bennington. Special permission must be granted to complete



the degree at a School Abroad.

## Credits and Course Load

(see [Registration](#))

All credit awarded by the Language Schools is defined in terms of units. One unit equals three semester hours of credit. Students enrolled in the six-week graduate programs of the Arabic, Chinese, French, German, Hebrew, Italian, Japanese, Korean, Russian, and Spanish Schools normally earn three units of credit. Graduate students are not permitted to repeat a course for which they have received a passing grade and earned credit.

The Language Schools advise against taking more than the three-course load. Permission to take a fourth course must be obtained from the director or associate director of the School, and is granted only in rare exceptions, and only to graduate students who have studied previously at the School. Students are billed for extra courses after the beginning of the session (see Extra Course Fees). Payment in full is due upon receipt of the bill.

A degree must be earned within a 10-year period. All units of credit expire after 10 years, whether earned at Middlebury College or transferred from another institution. Thus, credit earned at the 2020 session will expire after the end of the 2030 session. The validity of a degree, which certifies a level of achievement, does not expire.

## Independent Study Courses

Students may not earn academic credit for independent study courses conducted outside of the summer term (with the exception of courses taught at a Middlebury C.V. Starr School Abroad).

## Transfer Credits

After formal admission to the program, candidates for the MA and DML degrees may request permission from the Assistant Director of their School to transfer from another institution the maximum of the equivalent of one full-time summer of study at Middlebury (three units). Final approval will come from the Registrar's Office. To be considered for transfer, courses must be valued at the equivalent of one unit of Middlebury credit (three semester hours, four and a half quarter hours, or six ECTS units). For courses taken at institutions on the quarter system, as well as institutions whose courses do not carry credit equaling three semester hours, the Middlebury Language Schools grant (a) one unit of credit for two quarter courses or (b) two units of credit for three quarter courses. Students need to submit in writing which option they intend to follow.

Only courses taken after successful completion of the initial summer and formal admission to degree candidacy can be transferred. Courses taken at other institutions before the first summer of study may not be transferred toward a Middlebury degree, and transferred courses may not be used toward any other degree. Written approval of a course's transferability must be obtained from Middlebury before registering for the course. Courses that have not been pre-approved will be considered for transfer only in those instances in which a student can demonstrate that pre-approval was not possible (for example, due to a last minute cancellation of a pre-approved course). Middlebury courses transferred from one degree program are not eligible for another Middlebury degree.

Courses for transfer must be graduate level and taken at an accredited institution that offers a Master of Arts degree in either the language of study or a related discipline. In either case, to be considered for transfer credit, these courses must be taught entirely in the language of the student's degree program. Middlebury Language Schools do not accept certificate courses, asynchronous online courses, correspondence courses, independent study, courses taught fully or partially in English\*, or courses from extension or continuing education programs. Students may not transfer courses from Middlebury Language Schools partner institutions abroad if they are not enrolled in a Middlebury Language Schools program at the time the student takes the courses. For specific Schools' policies on transfer credits from MAT or MEd programs, please consult the School director.



*\*With the exception of the Middlebury-Monterey option of the Arabic or Chinese MA degrees.*

Courses considered for transfer must be taught in the foreign language in the areas of language analysis and linguistics, culture and civilization, literature, or professional preparation, and must not duplicate courses already taken for degree credit. All units counted toward a degree must be taken on a graded, not a pass/fail or credit/no credit, basis. No grade below a B- may be applied toward a Middlebury MA degree. No grade below B+ may be applied toward a DML degree. Courses may not be transferred to make up for courses failed at a Middlebury summer session or at a School Abroad. Students with failing grades forfeit as many possibilities of transfer credit as they have failing grades.

All courses approved for transfer must be completed by the May 31 of the year of graduation for August degree candidates and by the January 10 for March degree candidates.

## B.7 Doctor of Modern Languages

[Degree Guidelines & Procedures for the DML in Russian, French, Spanish, German, Italian](#)

[Degree Requirements Chart with Sample Course of Study](#)

[Doctor of Modern Languages in Hebrew](#)

[Doctor of Modern Languages in Japanese \(To be posted\)](#)

<https://www.middlebury.edu/language-schools/how-it-works/programs/doctor-modern-languages>

## B.8 Grades and Transcripts

### Grades

The following grades are used: A, A-, B+, B, B-, C+, C, C-, D, F. **No grade below a B- may be applied to a Middlebury Master of Arts degree, nor below B+ to the Doctor of Modern Languages degree.** An A+ grade is available only at the graduate level and represents exceptional level of achievement. Late submission of course work may have a negative impact on student grades as determined by the course instructor. Master of Arts degree students who are assigned a grade of "F" will be dismissed from the program. Doctor of Modern Languages students who are assigned a grade of "B" or lower will be dismissed from the program.

Courses dropped after the end of the add/drop deadlines but on or before July 23 are recorded on the transcript with a grade of WD. A grade of WDF is recorded for courses dropped after July 23. Requests for a grade of WD after July 23 will be granted only in cases of documented and unforeseeable medical or family emergencies. Pass/Fail grades and notations of "no credit" or "auditor" are not available.

A change in grade will only be allowed in a case of clerical error or for the reason of fairness to the student. Students who wish to appeal a course grade should consult with the instructor of the course and the director of the School. Students must write a letter stating the reasons for the appeal and should include copies of all relevant supporting materials. A Change of Grade Form must be completed by the instructor of the course and the director. Subsequent appeal may be made to the dean of the Language Schools whose decision is final. **Appeal must be made in the six months following receipt of the course final grade.**

**NOTE:** All Language Schools courses are included in the Middlebury College GPA. (see [For Middlebury College Undergraduates](#))

## Incompletes

Incompletes are seldom given in the summer session and only for illness or other compelling reasons, and must be approved by the director or associate director of the School. There must be a clear written understanding between the faculty member and the student as to the conditions under which the incomplete coursework is to be completed in order for the student to receive a course grade.

To petition for an incomplete grade, students must fill out an Incomplete Request Form available from the director of your School. Both the instructor and the director or associate director must sign the form. A grade of “incomplete” that has not been completed within three months from the end of the session automatically becomes a failure (F). Reminders of the deadline will not be sent by the Registrar’s Office.

## Grade Reports

Final grades are available online (BannerWeb) approximately two weeks after the end of the session. Students are notified via email when final grades are available. Grades are never released over the phone or by email.

## Transcripts

Full instructions for ordering transcripts can be found at:  
[www.middlebury.edu/offices/academic/records/transcripts](http://www.middlebury.edu/offices/academic/records/transcripts).

No transcripts are issued to students who are financially indebted to the College until satisfactory arrangements have been made with the Bursar’s Office.

# C. Financial Policies

- [C.1 Fees](#)
- [C.2 Employment](#)
- [C.3 Withdrawals and Refunds](#)

## C.1 Fees

Students assume full responsibility for the payment of their bills by the due date. Without payment, students cannot register for courses or receive student ID cards.

### Extra Course Fees

The payment of tuition fees entitles students to enroll in three full courses at the graduate level (six-week session), or one level of the intensive language program (seven- or eight-week session). Students may be permitted to take an extra course by special permission of the director of the students' Language School.

If a student receives permission to take an extra course for credit, the student must pay an extra course fee; contact the School Assistant Director for extra course fee information. There is no fee adjustment for a student carrying less than a full load of studies.

### Doctoral Student Fees

Doctor of Modern Languages students who live on campus during the summer to consult with their advisers, audit classes prior to examinations, or defend their dissertations pay for prorated room and board only.

There is a dissertation fee for students defending, payable at the time the dissertation is submitted; contact the School Assistant Director for dissertation fee information.

## **Special Fees**

Late Payment \$50  
Late Course Change \$10  
Late Placement Test \$25  
Late Registration \$25  
ID Replacement \$20  
Lost Key Replacement \$50  
Lock Change \$50  
Lockout Fee \$10

## **C.2 Employment**

The Language Schools summer in-person sessions are full-time, highly intensive programs with a strict Language Pledge. Students enrolled in these programs may not work for an employer (or on a freelance or voluntary basis, etc.) while studying on campus, especially if such work is conducted in a language other than the language of study. The same prohibition applies to academic writing, research, and online coursework, especially if these involve violations of the Language Pledge. Exceptions are made for occasional urgent communications, such as an email or voice call necessary for maintaining or securing employment or good academic standing at another institution after the summer session. Such communications should be kept to a minimum and must not expose other students to languages other than their language of study. This prohibition does not necessarily apply to activities of limited scope conducted in the language of study, such as writing in the language of study in one's free time. Questions about permitted exceptions should be directed to the Director of the Language School.

## **C.3 Withdrawals and Refunds**

### **Withdrawal Policy**

Students who complete check in procedures with the Language Schools, but who decide to leave for any reason before the end of the fifth day of classes will, in addition to forfeiting the non-refundable deposit, be assessed a withdrawal fee of \$2,000. This withdrawal fee is assessed because a place has been reserved for the student and cannot, therefore, be filled by another student. The Language Schools will not provide a refund if a student withdraws after the end of the fifth day of classes. Students who cancel before the start date of any program forfeit the \$400 non-refundable deposit only.

Students who have utilized Federal Student Aid eligibility (loans and/or grants) will be subject to the Return of Title IV regulations set forth by the US Department of Education.

### **2024 Withdrawal Deadlines**

Program, Session, Refund Deadline\*

Abenaki 2-week program – July 3

Arabic 8-week program – June 28

Arabic 6-week program - July 12

Chinese 8-week program – June 28

Chinese 6-week program – July 10

English 7-week program – July 5

English 6-week program – July 12

French 7-week program – July 5

French 6-week program – July 10

German 7-week program – July 5

German 6-week program – July 10

Hebrew 7-week program – July 5

Hebrew 6-week program – July 10

Hebrew 3 & 4-week – end of 3rd day of classes of session

Italian 7-week program – July 5

Italian 6-week program - July 12

Japanese 8-week program – June 28

Japanese 6-week program – July 10

Korean 8-week program – June 28

Korean 6-week program – July 10

Portuguese 7-week program – July 5

Russian 8-week program – June 28

Russian 6-week program – July 10

Spanish 6-week program in Buenos Aires – July 2

Spanish 7-week program – July 5

Spanish 6-week program in Vermont – July 10

*\*Refund deadlines expire at 5:00 pm on date noted*

## **D. Residential Life Policies**

Total immersion in the Language Schools is based on being in residence seven days a week. Students, faculty, and staff live in dormitories and have meals together in dining halls, organized by language. Dormitories are

generally large residence halls and may include shared rooms and bathrooms.

Language Classes are held Monday through Friday, but students should come prepared to remain on campus and work several hours each day, including weekends, and to interact with other students outside of class, which is a vital part of the curriculum. The Language Schools' co-curricular program is an integral part of the total immersion approach. Students need to participate as fully as possible in the cultural activities planned by each School and are encouraged to make use of the athletic and cultural facilities on campus.

If a student absolutely must be away from the campus overnight, the student needs to consult the school office and leave information in case of an emergency.

Students are required to live in housing provided by Middlebury College where communication is in the target language. The exceptions are to nursing mothers. Students approved for off-campus living must make their own housing arrangements and are responsible for all costs. Students living off-campus are likely to not see that same language acquisition as if they were living on-campus and in full immersion.

## **The following residential life policies apply to the Language Schools:**

[Fundamental Purposes](#)

[Student Responsibilities & Expectations](#)

[Living & Learning](#)

[Entry by College Officials](#)

[Fire Safety Regulations](#)

[Noise Regulations](#)

[Pet Policy](#)

## **E. Policies for Faculty**

### **Your Employment**

Middlebury Language School faculty and staff are considered "at will" employees. No employment contract is expressed or implied. Language Schools' faculty and staff are governed by the Middlebury College Handbook (<https://handbook.middlebury.edu>).

### **Salary Payments**

Summer faculty and staff are paid in bi-weekly installments. The final payment will not be issued until all obligations to the College have been met.

### **Language Schools Employee and Dependent Auditor Benefit**

With permission of the School Director, Language School faculty/staff with more than one year of service and their dependents may be eligible to audit Language Schools classes at no charge, however there may be charges for room and board depending on auditor status.

All auditor requests must be approved by the Director of the School in which the class(es) will be audited. Schools may individually determine requirements or restrictions (age, number of courses taken, pledge,

residence, etc.).

## Academic Policies

### Information about Yourself and Your Courses

Each faculty member must submit a syllabus, including a description of how the final grade is determined, an outline of material to be covered—and all course requirements, including exams and deadlines—for each course offered during the summer session, as well as a curriculum vitae (CV/résumé) to the School's Assistant Director at the start of the session. In addition, supply your Assistant Director with a photograph and brief biography (200–250 words) to be posted on the Language Schools' website. Please give these documents to your School Assistant Director by the end of the first week of classes, or earlier if possible.

### Classes

Classes meet five days a week, Monday through Friday. No holidays are observed during the summer session. Please refer any questions about class schedules and classrooms to the Assistant Director of your School.

In Middlebury's highly-intensive summer program, great importance is placed on regular attendance and participation. It is expected that students will miss class only for illness or the most compelling of reasons. Normally students are not permitted to miss more than three days of class. Missing more than three days will likely result in removal from the program and failing grades. Please report to the director of your School any student who is frequently absent from class.

### Advising Students

Please refer students who seem to be experiencing difficulty (handling stress, adjusting to language immersion, etc.) to the Director of their school, dean of the Language Schools, or a counselor via TimelyCare. Please reassure students that the Language Pledge is suspended when dealing with all health and counseling personnel.

We urge you to refer students who seem to be experiencing trouble adjusting to the Director of their school, dean of the Language Schools, or a counselor via TimelyCare. Please reassure students that the Language Pledge is suspended when dealing with all health and counseling personnel.

### Student Records

In accordance with [FERPA](#) (Family Educational Rights and Privacy Act of 1974), students or former students of Middlebury College have the right to inspect all educational records placed in their files after January 1975. Note: For additional information, contact the Registrar's Office at ext. 5770.

### Class Lists

Please check class lists carefully for accuracy, and report any discrepancies to your School Director or Assistant Director. If there are students in your class whose names do not appear on your class list, request that they clarify their status immediately with the School office. Note: Auditors are not included on class lists, and may not take an active part in class.

Class lists will be available at the beginning of the session. Please keep your list up-to-date during the add/drop period and communicate changes with your School office.

Once you receive the revised lists, please check to ensure that adds and drops have been properly entered. It is important that this be done carefully, as these lists are used for both final grades and for billing when extra courses are taken.

### Course Changes

Add/drop procedures are handled by each School office. Students should obtain the approvals of the instructors involved in the added and dropped courses, as well as approval of the Director or Associate Director of the School. The director or associate director of your School must also sign the cards. Please note the add/drop deadlines for [Middlebury campus programs](#) and [Bennington campus programs](#).

## Plagiarism

Please review Middlebury College's policies on [Academic Honesty](#), as U.S. institutions are very strict about these matters. In particular, please emphasize to your students how sources are to be cited, and what, if any, consultation about work may take place among students.

## Grades and Evaluations

Please conform carefully to the [grading system](#) used at Middlebury College. If this system differs from that of your home institution, or if you are unfamiliar with U.S. grading practices, please discuss the matter with the director of your School.

Changes in grades are permitted only to correct clerical errors or to ensure fairness to a student. If you find it necessary to change a grade, you must obtain a grade change form from your School office and submit the completed form to the director of your School.

Faculty members will be asked to evaluate graduate students who hope to be admitted to one of the Language Schools abroad. We appreciate your taking the time to make a careful and specific evaluation.

**NOTE:** The A+ grade is available only at the graduate level and represents an extraordinary level of achievement. Please meet with your director to complete a special form before assigning this grade. Also, please be aware that a failure report form must be completed and returned with your grade roster if you assign a student a failing grade.

## Use of Electronic Resources at the Language Schools

All work submitted by students must be their own. It is unacceptable for students to have a native speaker of the language write their work. It is unacceptable to copy language from any source without quotation marks and proper reference. Use of any translation program to create work that is then turned in as the student's own, unless the assignment explicitly calls for the use of such programs, is considered plagiarism, serious offense and can result in punishment up to and including expulsion from the Language Schools.

The use of online dictionaries is acceptable because students are responsible for using the provided words or short phrases, choosing the most appropriate one, putting it in the proper grammatical context, and providing all necessary punctuation. A translation program, on the other hand, provides a complete phrase or longer piece of text; here a student has only to copy the provided words. Therefore, anything created by a translation program cannot be considered the student's own work and, such work will be considered academic misconduct, which is a serious offense and can result in punishment up to and including expulsion from the Language Schools.

Middlebury Language Schools students are bound by the Middlebury [Honor Code](#).

## Grade Rosters

Your director or associate director will notify you when the online grading window is open. Please make sure you complete and submit all grade rosters in BannerWeb before leaving campus. Do not issue the final grades to your individual students. All grades are reported to students through BannerWeb.

## Survey Policy

All surveys or questionnaires, of any kind, involving faculty, students, or staff, must be registered in advance with the office of the Dean of the Language Schools. The Dean's office will contact the director of the School (or

Schools) involved for their permission. No surveys may be conducted without permission from both the dean and director(s) of the School(s). Each proposed survey needs to state in clear and unequivocal terms that participation by faculty or students is entirely voluntary and in no way related to course requirements or grades. If students are involved, the survey also must be approved by [Middlebury's Institutional Review Board \(IRB\)](#).

### Copyright and Fair Use Guidelines

U.S. law provides protection to authors, creators, and publishers of works of literature or art. The law also enumerates specific uses that do not infringe on copyright for purposes such as criticism, comment, news reporting, teaching, scholarship, or research (e.g. fair use). Middlebury College values and respects intellectual property rights, even as it recognizes an equal responsibility to advance the needs of scholarship and teaching within the framework of the law.

Please review the [Intellectual Property Policy](#).

## IV. Policies for the Institute of International Studies

Please select from the following content: 

- [A. Academic Policies and Standards](#)
- [B. Policies Governing Student Conduct and Student Organizations](#)
- [C. Faculty Handbook](#)
- [D. Employee Handbook](#)

### A. Academic Policies and Standards

- [A.1. Introduction](#)
- [A.2. Academic Honesty](#)
- [A.3. Academic Programs](#)
- [A.4. Change of Academic Program](#)
- [A.5. Instruction](#)
- [A.6. Grades, Credits and Academic Policies](#)
- [A.7. Policies Concerning Enrollment and Payment Fees](#)
- [A.8. Leaves of Absence, Withdrawal, Suspension, Expulsion, and Graduation](#)

#### A.1. Introduction

Academic policies at the Middlebury Institute of International Studies are subject to change at the discretion of the Institute. The vice president of academic affairs and dean of the Institute (VPAA) provides the final interpretation of the provisions of each policy.

The Academic Policies, Standards, and Instruction Committee (APSIC) is a faculty committee that periodically reviews and recommends changes to the academic standards and policies of the Institute. These recommendations are forwarded to the Faculty Senate and VPAA for review and recommendation. Final decision is by the VPAA.



## A.2. Academic Honesty

The Institute requires of every student, complete intellectual honesty in the preparation of all assigned academic work.

### A. Definitions

#### Plagiarism

Plagiarism is a violation of intellectual honesty. Plagiarism is passing off another person's work as one's own. It is taking and presenting as one's own the ideas, research, writings, creations, or inventions of another. It makes no difference whether the source is a student or a professional in some field. For example, in written work, whenever as much as a sentence or key phrase is taken from the work of another without specific citation of the source, the issue of plagiarism arises.

Paraphrasing is the close restatement of another's idea using approximately the language of the original. Paraphrasing without acknowledgment of authorship is also plagiarism and is as serious a violation as an unacknowledged quotation.

Intentional or unintentional failure to attribute facts that are not common knowledge (whether represented in textual, graphic, statistical, or visual form) also constitutes plagiarism. All writing submitted for formal and informal assessment must be the student's own work.

#### Cheating

The term "cheating" includes providing, soliciting, or receiving assistance before or during an examination or quiz that is not explicitly authorized by the instructor of record. Copying from a fellow student's examination or quiz paper, possessing or using unauthorized material during an examinations or quiz (e.g., notes, books, electronic devices) and continuing to write after an exercise has ended all constitute cheating. Inadmissible forms of assistance include allowing a fellow student to copy from an examination or quiz paper, sharing unauthorized materials (e.g. notes, books, electronic devices), and talking or whispering during an examination or quiz. Similarly egregious violations of these standards include, but are not limited to: taking an examination or quiz paper from the room and later claiming that the instructor lost it; changing answers after the examination or quiz has been returned; fraudulent possession of an examination or quiz prior to administration; obtaining a copy of an examination, quiz, or solution key prior to administration; taking an examination or quiz for another student; and persuading another person to take an examination or quiz for oneself.

#### Duplicate Use of Written Work

A paper submitted to meet the requirements of a particular course is assumed to be work completed for that course; the same paper, or substantially similar papers, may not be used to meet the requirements of two different courses, in the same or different terms, without the prior consent of each faculty member involved. Students incorporating similar material in more than one paper are required to confirm each professor's expectations in advance.

#### Misconduct in Research

If there is student research misconduct in the form of fabrication, falsification, or plagiarism, in research sponsored by the federal government, additional procedures and reporting will apply as directed by the Middlebury Misconduct in Research and Other Scholarly Activities Policies and Procedures. Students also have an obligation to report observed, suspected, or apparent research misconduct and to cooperate in the review of inquiries and allegations.

### B. Student Responsibilities

Graded assignments should be the work of the individual student, unless otherwise directed by the professor. Students must assume responsibility for their own integrity on all assigned academic work.

The individual student is responsible for ensuring that his or her work does not involve plagiarism. Ignorance of the nature of plagiarism or of The Institute's policies may not be offered as a mitigating circumstance.

Students with uncertainties and questions on matters relating to footnoting, citation of sources, paraphrasing lecture notes, and proper recognition of collaborative work on homework assignments and reports should consult with the course professor for whom they are preparing work.

## C. Role of the Faculty

At the beginning of each term, professors are strongly encouraged to discuss or include on their syllabus the Institute's policies governing academic honesty as they relate to a particular course.

## D. Violations of the Academic Honesty Policy, Procedures, and Disciplinary Actions

- Any member of the Institute community (student, faculty, or administrator) who is aware of a case of academic dishonesty is morally obligated to report it to the professor, the dean of the relevant school or the associate dean of student services (ADSS).
- Those who cheat are morally obliged to report their own offense to the professor, the dean of the relevant school or the ADSS.
- Alleged violations will be handled according to the academic disciplinary policies. For cases that are heard by the Conduct Judicial Board, hearings may not be conducted with fewer than three members. Three votes are needed for a finding of responsibility for a policy violation. In the event of a finding of responsibility for a policy violation, sanctions shall be determined by majority vote.
- Academic dishonesty is normally punishable by suspension from the Institute. However, the penalty may be modified when, in the opinion of the dean of the relevant program and the Conduct Judicial Board, conclusive reasons warrant such action.
- Should the accused be found not guilty, all records of the proceeding will be destroyed.
- Right of Appeal: A student found guilty of an offense will have the right of appeal to the Judicial Appeals Board in all cases.
- All deliberations of the Conduct Judicial Board concerning academic dishonesty violations will be conducted in confidence.

## A.3. Academic Programs

The Middlebury Institute is organized into **two schools** that offer **degree programs** as listed below. Please see the Institute's Web site for program descriptions and admissions and degree requirements.

### 1. Graduate School of International Policy and Management (GSIPM)

Master of Arts in International Policy Studies (MAIPS)

Master of Public Administration (MPA)

MA in International Environmental Policy (MAIEP)

MA in International Education Management (MAIEM)

MA in International Trade and Economic Diplomacy

MA in International Policy and Development

Master of Business Administration in International Management (MBA)

MA in Nonproliferation and Terrorism Studies (MANPTS)

Bachelor of Arts in International Studies (BAIS)

Joint MBA/MA In International Environmental Policy

Joint MBA/MA in International Policy and Development

Joint MPA/MA in International Education Management

Joint MPA/MA in International Trade and Economic Diplomacy

Joint MA in International Policy and Development and International Trade and Economic Diplomacy

Joint BA in International Policy/MPA

Joint BA in International Policy/MA in International Policy and Development

Joint BA in International Policy/MA in Nonproliferation and Terrorism Studies

## **2. Graduate School of Translation, Interpretation, and Language Education (GSTILE)**

MA in Translation and Interpretation (MATI)

MA in Conference Interpretation (MACI)

MA in Translation (MAT)

MA in Translation and Localization Management (MATLM)

MA in Teaching English to Speakers of Other Languages (MATESOL)

MA in Teaching a Foreign Language (MATFL)

## **A.4. Change of Academic Program**

- [A.4.a. Admission of BAIS Students to a Master's Program](#)
- [A.4.b. Change of Degree Program](#)
- [A.4.c. Admission to a Second Graduate Degree Program](#)
- [A.4.d. Special Admission and Registration Policies for Non-Degree Students](#)

### **A.4.a. Admission of BAIS Students to a Master's Program**

The last cohort of the BA in International Studies was admitted in January 2016. Until all current BAIS students complete their BA degrees, the following policies apply:

- Admission to the BA in International Studies (BAIS) program at the Institute does not guarantee admission to one of the Institute's graduate degree programs, but BAIS students may apply to continue their studies in a master's program.
- Once a student has reached the threshold of 100 credits, the student should meet with an advisor regarding his/her plans for continuing study in an MA program.
- The student shall be required to submit an application and statement of purpose for a master's degree to the Admissions Office. No application fee is required, but the student is evaluated to determine if the student satisfies the specific admissions requirements for the degree program.
- BA students who have not yet been admitted to a Master's program may enroll in all graduate level classes offered by the International Policy and Development program with the exception of research seminars. Enrollment in graduate level classes offered by other programs at the Middlebury Institute may require additional approval.

## **A.4.b. Change of Degree Program**

The process for changing degree programs includes the following steps:

- The student discusses the matter with his/her advisor, including eligibility and possible implications for degree requirements and degree completion.
- The advisor directs the student to the appropriate procedure, depending on the student's current and future programs. Some changes of degree program require a new application through the admission office.
- Once a change of program has been completed and approved by all relevant parties, the advisor works with the student to develop a new plan of study for the new degree.

## **A.4.c. Admission to a Second Graduate Degree Program**

Students enrolled in a graduate program at the Middlebury Institute who wish to add a second degree must apply for the second degree through the Admissions Office. No application fee is required. A second degree requires a minimum of an additional thirty (30) credits in residence beyond the requirements for the first degree, as well as satisfaction of all of the core requirements of the second degree.

## **A.4.d. Special Admission and Registration Policies for Non-Degree Students**

### **A. Credit Limit for Non-Degree Students**

A student who is not a degree student may register for up to eight(8) credits per semester in a degree program without formal application to that program. Students must have the approval of the relevant instructor(s) and the appropriate dean.

International students may not drop below 12 credits without authorization from the international student advisor.

### **B. Enrollment of Non-Degree Students in More than Eight (8) Credits**

Non-degree students who wish to enroll in more than eight (8) credits in a specific degree program during the semester but do not wish to be admitted to a degree program at the Middlebury Institute must submit an application form to the Admissions Office. It should be clearly marked “Non-degree student.” International students enrolled as non-degree students are required to enroll in a minimum of 12 credits each semester. Exceptions can only be authorized by the international student advisor.

### **C. Academic Credit for Non-Degree Students**

Credit earned while attending the Middlebury Institute as a non-degree student may be applied later to a degree or certificate program, but only upon petition and with the approval of the relevant dean. A petition for this purpose may be obtained by the student from the Records Office, along with a copy of the student’s Institute transcript. The student should take the transcript and petition to the dean of the graduate school in which the degree is offered, for discussion and signature by the dean.

### **D. Conversion of Non-Degree Students to Degree Status**

Non-degree students who wish to change to degree or certificate status must reapply through the Admissions Office at least one month in advance of the semester in which the change is to become effective. All requirements for admission to degree programs in effect at that time must be met. No application fee is required if the application fee was paid initially.

### **E. Admission Provisions for Non-Native Speakers of English**

Non-degree students who are non-native speakers of English must meet the same minimum English language requirement as degree applicants for the school in which they wish to take courses.

## **A.5. Instruction**

- [A.5.a. Assessment and Grading](#)
- [A.5.b. Course Syllabus](#)
- [A.5.c. Student Grading of Other Students' Work](#)
- [A.5.d. External Study and Study Abroad](#)
- [A.5.e. Internships](#)
- [A.5.f. Language and Intercultural Competency \(ICC\) Requirements at the Middlebury Institute](#)

### **A.5.a. Assessment and Grading**

Faculty are responsible for conducting assessment and grading of student performance in the courses that they teach. Faculty are therefore accorded wide latitude to set standards, establish expectations, evaluate performance, and assign grades. Faculty also have the right to expect a committed and appropriate level of effort and performance from their students. Conversely, students have the right to receive information as to what is expected of them in a course, including the general criteria for evaluation of their performance. Faculty shall provide their students with information as to the grade parameters, criteria, and requirements at the beginning of each course, normally doing so in the course syllabus.

### **A.5.b. Course Syllabus**

The course syllabus communicates the overall expectations that the faculty has for student work. It is issued by the instructor at the beginning of every course taught at the Middlebury Institute and is subject to change as determined by the instructor with advance notice and due respect to fairness to the students as a whole.

The course syllabus shall include: general course information, instructor information (contact information, office hours), a course description, course objective(s), instructional methodology, assessment of students, grading methodologies and criteria, a course reading list, a course outline, and a calendar.

### **A.5.c. Student Grading of Other Students' Work**

Graduate assistants or work-study students acting as teaching assistants shall not participate in the evaluation or grading of the work of other students. In exceptional cases, faculty such as those teaching a practicum or methods course in language teaching may have their students correct the written work of students taking a lower language course. Such faculty-supervised correction is appropriate so long as it does not entail a student giving another student an evaluation or grade. In such cases, the supervising faculty shall ensure the anonymity of the student whose work is being corrected.

### **A.5.d. External Study and Study Abroad**

Students enrolled at the Middlebury Institute may elect to apply to pursue studies external to the Middlebury Institute, including study abroad, for academic credit as part of a Middlebury Institute degree program. The typical period for external study or study abroad is one semester. Written approval must be obtained in advance from the relevant Graduate School dean using the Petition to Transfer Course Credits, which is available in the Records Office. Financial aid arrangements must be made in advance with the Office of Student Financial Services, and such arrangements shall apply only to approved programs. Please also see sections below on Transfer of Academic Credit from Other Academic Institutions.

### **A.5.e. Internships**

The Graduate Schools at the Middlebury Institute offer immersive learning experiences that are either credit or non-credit bearing.

Internships are a valuable and typical component of the MIIS educational experience. Internships generally do not carry academic credit, although academic credit can be arranged in exceptional cases by means of a Directed Study. In general, please consult with your academic and career advisor about internship opportunities. In addition:

- For **language internships**, please consult with the language studies advisor.
- MIIS has **translation and interpretation** internship programs with numerous companies, agencies, and institutions. Interested students should discuss internship possibilities with their career and academic advisor and their T&I language coordinator.
- In **GSIPM**, as a rule, the School does not give academic credit for internships. However, students sometimes find it difficult to accept unpaid internships without financial aid, which is contingent upon being registered for academic credits. Thus they request directed studies that dovetail with their internships. The School allows this only if in addition to the expected internship work, the student expands upon the experience in the internship and conducts a research project that has sufficient academic rigor for

consideration as graduate credit coursework. A clear work plan and timeline should be included in the substantive proposal. A research report is a typical outcome for a Directed Study project related to an internship.

## A.5.f. Language and Intercultural Competency (ICC) Requirements at the Middlebury Institute

### A. Background to the Language and ICC Component

Language is central to all degree programs at the Middlebury Institute, therefore a Language and ICC component is included as part of the core requirements of most degree programs. Most of our language courses are *content-based*, which means that we aim to develop field-specific content knowledge while at the same time focusing on the development of linguistic skills.

All degree students except TESOL, TI, and PC MBA, have a Language and ICC component in their degree program. Students cannot take a competency exam (standardized test in the language) to bypass language study.

### B. Regularly Taught Languages at the Middlebury Institute

Arabic, Chinese (Mandarin), English, French, Japanese, Russian, and Spanish are offered as a regular part of the academic year curriculum, subject to sufficient student enrollment.

### C. Languages Not Regularly Taught at the Middlebury Institute

Requests to fulfill the language component in a language not regularly offered by the Institute must be directed **at the time of admission to the Middlebury Institute** to the Language Studies Advisor. The feasibility of offering certain language courses is assessed at the time of request, but fully determined at the time of enrollment. The non-regular language courses have the same proficiency level and credit requirement and adhere to the same standards as the other regular language courses. Applicants requesting a special language must be able to demonstrate 200-level proficiency in their requested language. Students who request non-regular language courses should also know that setting up a course in non-regular languages will incur additional costs.

### D. Required Language Levels

To enroll in Language Studies courses at the Middlebury Institute, students must have attained 200-level/second year university level/Intermediate for all languages offered.

During the admission process, any students who may have insufficient proficiency to place into the LS program are required to work on Language Plans to build sufficient proficiency. If prior language study proves insufficient to meet the placement at the required levels (indicated above), students will not be allowed to begin in the language program until they acquire the minimum required proficiency in the language. ***Note that a delay in beginning the language component of the degree program may delay graduation, and may incur additional expenses.***

Students whose first (native) language is a language other than English, or students who did not have secondary and post-secondary education (high school and college) in an English-speaking country, are considered to be non-native speakers of English. They are required to take English for Academic and Professional Purposes (EAPP) courses to fulfill the requirement in the language component.

Students whose first (native) language is English, or students who have had secondary and post-secondary education (high school and college) in an English-speaking environment, are considered to be native speakers of

English. EAPP courses do not count toward fulfillment of the language requirement for native speakers of English.

## 1. Provisional Admits with low TOEFL scores

Non-native speakers of English who are provisionally admitted to the Middlebury Institute with TOEFL scores below the stated minimum must either obtain the required minimum score before beginning their degree programs, or enroll in (and successfully complete) English Preparation for Graduate Study (EPGS) the summer before beginning their degree programs.

Some non-native speakers of English who meet the stated minimum TOEFL test scores may still be required to take 200-level EAPP courses or equivalent courses in the first semester of their degree program based on the results of the EAPP placement test. As this coursework is below the 300-level minimum required to fulfill the language component of the degree programs, this coursework will not count toward fulfillment of the language requirement. ***Note that this required coursework may also delay graduation and/or incur additional expenses.***

## 2. Prospective/New students with Lower Language Proficiency than required

Prospective students who do not have sufficient language study history on their transcripts or who have outdated language coursework are required to contact the Language Study Advisor to work out a Language Plan (LP) during the admission process. This Language Plan will lay out a concrete plan to assist in equipping students with sufficient proficiency in their chosen language (LOS) prior to enrollment in the degree programs. ***Failure to complete the LP may result in revoking or deferring admission.***

New students who take the language placement test and fail to place at the required language levels will meet with Language Studies Advisor to work out an In-Degree Language Plan (IDL) which will determine a concrete plan and timeline for raising the student's language proficiency to the necessary level for LS study and completing the language component of the degree program. Registration for courses may be put on hold until students have an acceptable IDLP.

## E. Language Studies Placement

Language level placement in the Language Studies (LS) program is determined by online placement tests taken just prior to Orientation week each semester. Previous language coursework is not considered for placement purposes. Students are contacted prior to orientation with details about taking the placement tests.

On the basis of placement test performance, Language Studies faculty will suggest or require certain level courses that best fit the students' current language proficiency and development needs. Each subsequent semester, the Language Studies instructors give pre-approval for certain courses to be taken in following semester. The result of the placement test, or the pre-approved course placement by an LS instructor, is only honored for the particular semester that the test is taken or the pre-approval was intended. If taking a leave of absence from language study, or from MIIS, students are required to take language placement test again when they return in order to determine the course that best fits their proficiency level at the time of their return.

If a student feels that he/she possesses sufficient level of professional proficiency in the language to waive some of his/her language requirement, a waiver exam can be requested. The results of the waiver exam may waive a student from 0-12 units of Language Studies courses. (For details, please see below: *L. Applying for a waiver of Language Studies credits*)

## F. Fulfilling the Language and ICC Component

### 1. Requirements

The following table summarizes the Language and ICC component minimum-unit credit requirements for the different degree programs at the Institute. All requirements pertain to units of credit in a single language. (LS = Language Studies, ICC = Intercultural Communication)



Degree Program	Language Component (12 credits)	Minimum Course Level
BA in International Studies;		
All Three-Year BA/MA Programs;	Minimum 8 credits in LS courses and up to 4 credits in ICC courses	200 all languages
All MA programs in GSIPM except MAIEM and MANPTS (see below)		
MAIEM	8 credits of LS courses and 4 credits in ICC courses	200 for all languages
MANPTS	12 credits of LS courses	200 for all languages
MATFL program	12 credits of LS courses	400+ for all languages
Advanced Entry GSIPM degrees	8 credits of LS courses	200 for Spanish and Arabic, 300 for all other languages
Peace Corps Masters International program (except Peace Corps MBA)	Minimum 8 credits of LS courses prior to Peace Corps service and up to 4 credits in ICC courses	200 for all languages

## 2. Higher language skills requirement

The following programs require superior language proficiency: Teaching Foreign Language (TFL); Teaching English to Speakers of Other Languages (TESOL); and all degrees in Translation, Interpretation, and Localization Management (TILM). Proficiency in languages required for these degrees is assessed at the time of admission.

## 3. Options for Fulfilling LS and ICC Requirements

There are a number of options for fulfilling the Language and ICC component requirement at MIIS. Students may complete the Language and ICC component in successive semesters, or may skip a semester from language study. Students may also participate in one of the many Study Abroad programs that we have with Middlebury College, and may earn up to 12 credits while abroad to meet the language component. Those who have at least mid-300 level language proficiency may also earn credits while participating in an overseas internship completed during the J-term or summer. If desired, students may also transfer 2-4 credits of language or ICC courses from an outside institution (with pre-approval) to augment the credits earned at MIIS.

Students may also take more language courses than required, or take a third or fourth language, as long as they have room in their schedule and they can count them as electives in their degree programs.

The Language Studies Advisor can assist in developing an appropriate plan to incorporate language study into the degree map for those who would like to plan a semester away.

**PLEASE NOTE:** Due to the distribution of language level courses, it is not normally possible to take multiple language courses (to “double-up”) in a single language in any given semester. Thus, it is strongly recommended to carefully map out all language coursework for the degree track. *Postponing the start of Language Studies is strongly discouraged and may lead to a delay in graduation.*

## 4. Directed Study for Language and ICC courses

Students may request a Directed Study (DS) in language courses at 300-level or above for 2 or 4 credits. In order to propose a Directed Study course, students need to have a concrete self-initiated project in mind, and they must seek a faculty member who agrees to supervise the project in advance. *It is entirely the prerogative of the faculty member whether or not he/she agrees to work with a student on a Directed Study.* Students who wish

to earn language credits by taking a Directed Study course need to complete and submit a LS DS proposal form and obtain the faculty supervisor's signature.

Students may also request a Directed Study (DS) in ICC courses for 2 or 4 credits. A DS in ICC is approved (a) to pursue in greater depth a subject to which she/he has already been introduced in a MIIS course, but is unable to find more advanced treatment of the topic in the regular menu of seminars; or (b) to research a question or topic not offered by the MIIS curriculum, but which the advising professor and the Dean agree has intellectual/professional merit, and is operationally feasible. The student and the faculty advisor together develop a work plan, including a timeline and specified deliverables. Students need to seek a faculty member who agrees to supervise the project in advance. Only regular/full-time faculty members may act as ICC DS advisors. Supervising faculty are expected to have expertise in ICC. This includes faculty serving on the ICC steering committee or teaching ICC courses at MIIS. Exceptions may be made with the approval of the ICC chair.

## **5. Transfer of language and ICC credits**

### **a. Transferring credit from an outside institution**

To be eligible for transfer, coursework in language or intercultural competence (ICC) must be completed **after** a student has started in the Language Studies program at MIIS, which means that s/he has taken the placement test, and has been assigned an appropriate level of study for the degree program.

If a student's degree program requires 12 credits of language study, s/he may transfer up to 4 credits of language from an outside institution. If a student's degree program requires 8 credits of language study, s/he may transfer up to 2 credits of language from an outside institution. Outside institutions include any accredited school/institution outside of Middlebury. Credits earned at any outside institutions and transferred to MIIS will not be calculated as part of the student's GPA.

**The student must obtain pre-approval from the GSTILE Dean before taking courses elsewhere.** This is achieved by submitting a petition for transfer of credit, which is reviewed by the appropriate language or ICC faculty member to determine the course's equivalence to Institute courses that fulfill the same requirement.

Students must earn a grade of B or above in order to receive transfer credit for a course. Transfer credit will not be added to the students' transcript until the Records Office receives an official transcript from the institution where the credit was earned.

### **b. Transferring credit from a Middlebury program**

Normally students may transfer 2-4 credits earned in the Summer Intensive Language Program (SILP) at MIIS and/or a Middlebury Summer Language School. Students may petition to transfer more than 2-4 credits.

Up to 12 credits may be transferred if they are earned in a Middlebury School Abroad program.

Students must earn a grade of B or above in order to receive credit toward the MIIS degree for a course from another Middlebury program. Credits earned at any of the Middlebury programs that are used toward the MIIS language requirement **will** be included in the calculation of the student's GPA.

### **c. Credits earned prior to matriculation**

Language or ICC coursework taken prior to enrolling in the Language Studies program at MIIS is not transferrable. The only exception is coursework taken in SILP or Middlebury's Summer Language School in the summer **directly preceding** enrollment in the MA program. Students may apply to use 2-4 SILP or Middlebury Summer Language School credits toward their MIIS degree.

## **6. GSIPM courses which fulfill the LS credit requirement**

There are occasionally courses offered in GSIPM that are cross-listed between the GSIPM program schedule and LS program schedule. Students can choose which requirement they want the course credits to fulfill: Language Studies or IPM program requirements.

## **7. TILM courses that fulfill the LS credit requirement**

Some LS students may wish to take Translation and Interpretation (T&I) courses to fulfill their language component. They may do so if 1) their LS Program Coordinator indicates that their level is at or beyond our highest course offering, and 2) they take the T&I Language Skills Test (LST) and gain approval from the relevant T&I Program Coordinator. T&I course credits are considered as ‘credits outside of LS’, and thus, students can only earn 2 to 4 T&I credits to fulfill their requirement in the language component (see above: 5) *Transfer of language credits from outside program/institution*).

## **G. Instructional Hours**

All 300-level and 400-level language courses regularly meet for 4 hours a week for 15 weeks for a total of 60 hours of instruction per semester for a 4-unit course, and 2 hours a week for 15 weeks (or 4 hours a week for 7.5 weeks) for a total of 30 hours of instruction for a 2-unit course. All 200-level courses regularly meet for 6 hours a week, 4 hours with the course professor and 2 additional hours with a Language Teaching Assistant for additional skill building, for a total of 90 hours per semester for a 4-unit course. The time with the TA is spent doing augmentative work and is part of the required class time. The extra 2 hours in the 200-level courses do not incur any additional charges for the students.

## **H. Language Specialization Certificate**

A language specialization certificate may be requested when a student has completed one of the following combinations of language coursework (all units must be in a single language):

1. 16 units of Arabic, Chinese, Japanese, or Russian at the 400-level with all grades A- or above; OR
2. 20 units of any language at the 400-level with all grades B or above; OR
3. 20 units of any language at any level above 300 with all grades A- or above.

## **I. Option to Study More Than One Language or Change Language of Study**

If students choose to take 12 credits of language courses and take 8 credits at the 400-level in a single language, they have an option of switching to another language for their 4 remaining credits, as long as they meet the minimum proficiency level requirement in the language.

If students would like to change their Language of Study while completing the 8-12 language course credits, they need to submit petition for waiver of academic regulations to the Dean of GSTILE. Approval may be given on a case-by-case basis.

Those students who have their language requirement waived may elect to pursue another Language of Study (LOS) for their degree. If they wish this new language to be listed on their transcript, they will be held to the 12-credit language/ICC requirement associated with their degree for this language. (Students who wish to pursue additional language study without formally declaring it and listing it on their transcript are not bound by this rule.)

## **J. Minimum Passing Grade for LS courses**

As long as students earn a passing grade (A to D-) for LS courses, it will count for credits necessary for graduation. However, if students earn a grade lower than B-, they are required to repeat the same level course in the following semester, rather than advancing to the next level course. If students earn a grade of an F, they do not receive any credits for the course.

## **K. Auditing LS courses**

Full-time students are entitled to audit up to 4 units per semester without charge, including any regularly offered language courses. No audit is allowed in non-regular language courses. Those who wish to audit must take the appropriate language placement test and receive approval from the course instructor to ensure the level equivalency with those registered for the class. Instructor approval is required, and the instructor of the class establishes the conditions, such as attendance requirements, assignments, participation, etc., which auditors need to agree to abide. Auditors need to register for language courses through Records Office.

## **L. Applying for a waiver of Language Studies credits**

### **1. Applying for a Waiver of LS credits**

When students feel they have advanced professional proficiency in the language of their study (LOS) and no further work is desired, they may ask to take a language waiver exam to see if they can waive any language course credits (0-12) in the requirement of their language component. Students first need to take the language placement test and be placed at the 400-level or above. Students will then initiate application process for waiver exam by contacting the Language Studies Advisor or Language Program Coordinator. Students must demonstrate that they possess content knowledge and professional language skills in their chosen fields. The waiver exam consists of three stages: consultation with faculty on professional topics; research and writing of academic research paper; and an in-house 3-hour writing test, followed by an oral presentation of 30 minutes with a faculty committee.

*It is important to note that obtaining a language credit waiver of any number of credits does not affect the total number of credits required to graduate in each degree program, so students may need to take other elective units in place of any language units waived.*

### **2. Applying for Waiver of EAPP credits**

When students' LOS is English, they need to take EAPP placement test regardless of the TOEFL/IELTS scores. However, students who demonstrate high proficiency in the EAPP placement test will be waived some of the required EAPP credits based on the result of the placement test. In some cases, they may be waived 8-12 credits, which they can then replace with any other courses they may wish to take (e.g., other program courses, program electives, different language courses, etc.). Those who do not receive a waiver at the time of placement test and feel their English skills have improved in subsequent semesters may apply for the EAPP waiver exam. The EAPP waiver exam guidelines and procedure follow the other language waiver exam procedures (as above) with slight modifications.

*It is important to note that obtaining a language credit waiver of any number of credits does not affect the total number of credits required to graduate in each degree program, so students may need to take other elective units in place of any language units waived.*

## **M. MATFL Students' Language Component**

MATFL candidates have a 12-credit language component in the language of their degree pursuit. If they are native speakers of the language, the requirement may be fulfilled by taking non-LS courses, such as Pedagogical Grammar. If they are non-native speakers of the language they wish to teach, they need to take 12 credits of language courses at 400-level or above.

## **N. Students who transfer from a TILM degree to a GSIPM degree**

If students switch from a TILM degree program, which does not have Language Studies component, to a GSIPM degree program, which has 12-credit language component, they may wish to count their TI coursework toward meeting their LS language component. They can do so under the following conditions:

1. Students cannot 'double-count' the same course credits for two degrees (if pursuing a dual-degree in TILM and IPM).
2. Students need to declare a language for their LOS, and take the LS placement test of the language.
3. Students can use 2-4 credits of their TI courses that are A Language to B Language (productive skills) with B or above grade.
4. If switching to the NPTS degree program, or if choosing to do 12 LS credits in the language component, students may use up to 4 credits of TI courses to fulfill the requirement of the language component. The remaining 8 credits need to be in a single language if placed into the 300-level, but can be different languages if placed into the 400-level.
5. If switching to the IEM degree program, or if choosing to do any ICC courses as part of the language component, then, students may use up to 2 credits of TI courses to fulfill the requirement of the language component.

#### **O. TILM, TESOL, and special (non-degree) students who wish to take LS courses for credits**

TILM and TESOL students, as well as special students (non-degree), can take LS courses as program electives. Students who wish to take LS courses must take the LS placement test at the start of the semester and obtain approval to register for courses. They must confirm with their academic advisor on whether or not a certain level course counts towards their program requirement/program elective.

## **A.6. Grades, Credits and Academic Policies**

- [A.6.a. Grades and Credits](#)
- [A.6.b. Disputed Academic Evaluation Procedures](#)
- [A.6.c. Pass/No Pass \(P/NP\) Option](#)
- [A.6.d. Pass/Fail \(P/F\) Option](#)
- [A.6.e. Incomplete Grades](#)
- [A.6.f. Assignment of "In Progress"](#)
- [A.6.g. Academic Standing](#)
- [A.6.h. Academic Probation](#)
- [A.6.i. Dismissal](#)
- [A.6.j. Time Limit for Completion of Degree Requirements \(Currency\)](#)
- [A.6.k. Petition for Waiver of Academic Regulations](#)
- [A.6.l. Transfer of Academic Credit from Other Institutions](#)
- [A.6.m. Challenge Examinations](#)
- [A.6.n. Graduation with Honors](#)

### **A.6.a. Grades and Credits**

A credit hour is an amount of work, represented in intended learning outcomes and verified by evidence of student achievement, that is an institutionally established equivalency reasonably approximating not less than—

- (1) One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks in one semester, or the equivalent amount of work over a different period of time; or

(2) At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, and other academic work leading to the awarding of credit hours. We do not award credit hours solely for doing an internship. Internships for which credit is awarded must be an integral part of a more extended academic activity for which credit hours have been assigned based on the definition above.

The following system of grading is used at the Middlebury Institute:

A and A+	4.00 grade points per credit
A- (minus)	3.67
B+ (plus)	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D+	1.33
D	1.00
D-	0.67
F (Fail)	0.00
P (Pass)	Credit for course, no grade points
NP (No Pass)	No grade points or credit
I (Incomplete)	No grade points or credit
W (Withdrawal with permission)	No grade points or credit
AU (Audit)	No grade points or credit
IP (In Progress)	No grade points or credit

There is no other system of grading or grading category at the Middlebury Institute other than those listed above.

Except for grades of “I” and “IP,” all grades are considered final when reported by a faculty member at the end of a semester or marking period. A change of grade may be requested **only** when a calculation, clerical, administrative, or recording error is discovered in the original assignment of a course grade or when a decision is made by a faculty member to change the grade as a result of the disputed academic evaluation procedure. Grade changes necessitated by a calculation, clerical, administrative, or recording error must be reported within a period of six months from the time the grade is awarded. **No grade may be changed as the result of a re-evaluation of a student’s work or the submission of supplemental work** following the close of a semester or marking period. The Records Office shall only accept permissible changes of grade upon written approval of the faculty member’s dean, who shall first verify that the Change of Grade request satisfies legitimate criteria.

## A.6.b. Disputed Academic Evaluation Procedures

General: Institute policy regarding disputed academic evaluations entitles students to three levels of formal appeal following review by the instructor of record. Disputed academic evaluations must occur within six months, unless the dispute is reported during the summer months. When disputes are reported during the summer months, the six-month timeframe begins at the beginning of the Fall semester.

Informal Review by Instructor: In the interest of preserving the crucial student-instructor relationship, the first procedure requires an informal mediation phase in which the student and faculty member attempt to resolve the

grade dispute by direct communication.

Dean Level: If the disagreement is not resolved by this dialogue, the faculty member's dean shall be requested by either the instructor or student to mediate the dispute. The Dean will obtain the relevant information and will communicate with both student and instructor to obtain their views. The Dean shall then report in writing to the student and the faculty member, his/her judgments as to the proper outcome of this mediation.

APSIC: If the dispute is not resolved at the level of the dean and the student wishes to pursue the appeal, he or she must submit a written request to the Academic Policies, Standards, and Instruction Committee (APSIC) chair. At this point, APSIC may request from the parties involved written documentation pertaining to the matter, including a concise report of the dean's mediation process, the student assignments in question, and all written evidence of the faculty member's marking procedures and evaluation criteria (e.g., the course syllabus, assignment requirements, assessment rubrics, benchmark student work, and so forth).

APSIC shall carefully review the documentation and solicit further information as needed (e.g., testimony from the student, the faculty member, and the dean) before issuing a decision in writing with a copy to all relevant stakeholders.

APSIC shall respect the faculty member's responsibility for the determination of his or her own evaluation criteria. APSIC's chief function, like that of the dean, is to resolve disputed academic evaluations by determining if there occurred a fundamental unfairness to the student.

In cases where the disputed academic evaluation is not finally resolved by APSIC, it should be referred to the vice president for academic affairs and dean of the Institute for final resolution. The VPAA's determination of a dispute as to a grade or other academic evaluation is final and binding on all concerned.

Note: Students and faculty members are further reminded that a course grade reported to the Records Office may be changed **only** in accordance with the provisions outlined in [Section A.5.a](#).

## **A.6.c. Pass/No Pass (P/NP) Option**

In certain courses identified by each Graduate School, students receive a grade of P (Pass) or NP (No Pass). Grades of "Pass/No Pass" will be awarded only in those courses that are identified as such in the course schedule or syllabus, and there is no other grading system applied to such courses. All multiple sections of a given course must be treated equally in terms of grading. Criteria determining passing work under the P/NP option are at the discretion of the instructor of record. When a student receives a "Pass" in a "Pass/No Pass" course, credit is received, but those credits are not counted in calculating student's Grade Point Average. When a student receives a "No Pass" in a "Pass/No Pass" course, no unit credits are obtained, and there is no impact on the student's grade point average.

## **A.6.d. Pass/Fail (P/F) Option**

In certain courses identified by each Graduate School, students receive a grade of P (Pass) or F (Fail). Grades of "P/F" will be awarded only in those courses that are identified as such in the course schedule or syllabus, and there is no other grading system applied to such courses. All multiple sections of a given course must be treated equally in terms of grading. Criteria determining passing work under the P/F option are at the discretion of the instructor of record. When a student receives a "Pass" in a "Pass/Fail" course, credit is received, but those credits are not counted in calculating student's Grade Point Average. When a student receives a "Fail" in a "Pass/Fail" course, the student does not earn any credits for the "F" grade but the credits are used in the GPA hours total used

to calculate the GPA, thus negatively affecting the GPA. (Example: A student with an F in a one-credit workshop and 15 other credits will have 16 hours used to calculate the GPA. Assuming all the other courses received an A the student's GPA would be 60 (quality points) divided by 16 credits, giving the student a GPA of 3.75.)

## A.6.e. Incomplete Grades

A grade of incomplete (I) may be assigned by the instructor when a student has done acceptable work in the majority of course requirements or assignments, but cannot complete all course work for reasons of illness, emergency, or legitimate extenuating circumstances. If a student has **not** done acceptable work in the majority of course requirements or assignments prior to the illness or emergency that prevented completion of the course, a letter grade shall be assigned. An "I" is not appropriate for cases in which the principal requirement for the course is unfinished by the end of an academic term, e.g., a Capstone, Thesis, Business Plan, or Program Portfolio (please see below, Assignment of "In Progress").

Process for assigning and removing an Incomplete:

- The instructor submits a grade of Incomplete to the Records Office, accompanied by a written agreement with the student regarding the work to be completed and the deadline for completion. (This deadline should be as early as possible and may under no circumstances exceed one calendar year.)
- The instructor evaluates the completed work as soon after its submission as possible. The instructor shall complete and submit a Change of Grade form to the Records Office to replace the "I" with the appropriate grade.
- An "I" that is not changed by this procedure becomes a permanent grade on the student's transcript. In this case, the "I" is not used to calculate the Grade Point Average.
- If a grade of Incomplete in a course required for the student's degree is not removed according to the above provisions, the student may be required to repeat the course (or an appropriate equivalent), paying additional tuition, if necessary, to satisfy the requirement of the degree.

**Note:** According to current federal law regarding International students with F-1 and J-1 visas, eligibility to remain in the country beyond the period of 30/60 days after the end of classes is not extended to allow for the completion of Incompletes.

## A.6.f. Assignment of "In Progress"

A grade of In Progress (IP) is assigned only in those courses for which the principal requirement of the course is unfinished by the end of an academic term, e.g., a capstone, thesis, business plan, or program portfolio. In these cases, an "I" (Incomplete) is not appropriate. Those programs that utilize the IP grade option may have different requirements for the amount of time provided to complete the work and remove the IP. Please consult the dean of the appropriate Graduate School.

## A.6.g. Academic Standing

### A. Required Grade Point Average

A student's academic standing is calculated at the end of each semester. All students (graduate and undergraduate) are required to maintain an overall 3.00 grade point average in all course work completed at the Middlebury Institute.



## **B. Satisfactory Academic Progress**

A student is making **Satisfactory Academic Progress** when the overall grade point average of 3.00 is maintained **and** the Institute determines that all of the following conditions are met:

- No grade of C or lower has been received in any course taken that semester;
- An overall Grade Point Average of not less than 3.00 (“B” average) has been earned for Institute courses taken that semester;
- No more than two Incomplete grades appear on the student’s record.

Students whom the Institute determines are not making satisfactory academic progress are required to restore this status by the end of the next semester in which the student is enrolled at the Middlebury Institute.

A student may repeat a course by registering for the course again and paying the appropriate fees. When a student repeats a course, the grade recorded the first time the course was completed remains permanently on the student’s transcript. However, only the new grade will be considered in the calculation of the student’s Grade Point Average.

## **A.6.h. Academic Probation**

In the case of a student who fails to make satisfactory academic progress in any semester, the Institute shall transmit notice to the student in writing of placement on academic probation. To continue studies at the Middlebury Institute, a student on academic probation must achieve satisfactory academic progress status by the end of the following semester and must also satisfactorily complete other steps stated in the notice of academic probation.

## **A.6.i. Dismissal**

A student who fails to make satisfactory academic progress for two consecutive semesters or who otherwise fails to achieve relief from academic probation status by the end of the following semester is subject to immediate dismissal for academic reasons.

Following notice of such dismissal, an application for readmission will be considered only after one full calendar year has elapsed. Students may be granted or denied readmission only at the discretion of the Institute. Following readmission after academic dismissal, the student is on academic probation for the first subsequent semester.

For an international student, dismissal from the Institute has an immediate effect on the right of presence in the U.S. International students should consult with the international student advisor in Student Services about their options.

## **A.6.j. Time Limit for Completion of Degree Requirements (Currency)**

As measured from the last semester of active enrollment at the Middlebury Institute, students have five (5) years to complete their degree requirements. Any exception to this policy is solely at the discretion of the dean of the relevant Graduate School.

## A.6.k. Petition for Waiver of Academic Regulations

Students who wish to be considered for a waiver of any academic policy or requirement for any degree program should obtain a Petition for Waiver of Academic Regulations from the Records Office.

The student should specify on the Petition which academic policy or requirement s/he wishes to waive, and why the waiver is necessary and justified. Additional documentation may be submitted with the form which supports the request.

Signatures of support must be obtained on the Petition from the relevant instructor and/or Program Chair. For petitions that involve meeting language requirements, students must obtain the signature of Language Studies Advisor. In cases where tuition is involved, the Office of Student Financial Planning must also sign the Petition. Once all relevant signatures are obtained, the student should submit the form to the Associate Dean of Academic Operations. The Records Office shall advise students as to which signatures are required.

A petition for waiver may be granted or denied at the discretion of the Associate Dean of Academic Operations. If granted, the waiver must be filed in the student's record in the Records Office before the waiver becomes official. **Note:** if a requirement is waived, the total number of credits required for graduation in each program is not affected by the waiver, i.e. credit is not given for courses that are waived.

## A.6.l. Transfer of Academic Credit from Other Institutions

After being admitted to the Middlebury Institute, a student may petition the Associate Dean of Academic Operations (who will consult with the relevant Program Chair) to consider courses taken elsewhere at accredited institutions for satisfaction of specific Institute degree requirements.

A minimum residency requirement of 30 credits is required for all Middlebury Institute degrees. Transfer credit is limited to 25 percent of graduate degree requirements.

Courses counted towards a previous Bachelor's or Master's degree cannot be transferred to the Middlebury Institute for credit.

Students studying at the intermediate low level or higher (equivalent to the 200 level or higher at MIIS) at Institute-approved language study centers (including the Middlebury Schools Abroad and Language Schools) are eligible to transfer four (4) credits of language. An official transcript demonstrating hours completed and course level must be presented to complete the transfer. Transfer of up to four credits from other accredited (non-Institute-approved) study abroad institutions *may* be possible, but the student should consult the Language Studies Program Chair in advance, with information about the program, to determine whether the program meets Institute requirements for transfer. Language courses taken prior to enrollment at the Middlebury Institute cannot be used to satisfy the language requirement at the Middlebury Institute, unless they were taken through a Middlebury or Monterey program in the summer immediately prior to the student's matriculation at the Institute.

Proposed transfer graduate courses must meet the Institute's degree requirements, and the student must have earned a grade of B or better. Proposed upper division undergraduate courses must meet the Institute's degree requirements, and the student must have earned a grade of B or better.

For students admitted to the joint BA/MA program, proposed upper division undergraduate courses must meet the Institute's degree requirements, and the student must have earned a grade of B or better. Proposed lower division undergraduate courses (60 credits) must generally have a grade of B or better, but 15 "pass/fail" semester credits may transfer as electives. (These include credits designated on the student's transcript as Pass/Fail, Satisfactory/Unsatisfactory, or Credit/No Credit.)

Grades assigned by other institutions for courses that are transferred to the Middlebury Institute are not calculated in the Institute grade point average.

The Middlebury Institute maintains exchange programs with other academic institutions whereby students at either institution may register for courses taught at the other. Please consult the Center for Advising and Career Services for further information. The Institute confers credit for the course taken upon receipt of a sealed transcript from the exchange institution by the Institute Records Office. **Note: International students** should ensure that they meet all visa requirements prior to participating in an exchange program.

## A.6.m. Challenge Examinations

Challenge examinations (credits by examination) are not accepted at the Middlebury Institute. Students may only receive academic credit for courses not taken at the Middlebury Institute by following the policies and procedures for Transfer of Academic Credit from Other Institutions, above. Mechanisms for taking account of previous course work include waivers of requirements, transfer of credits, and advanced entry, available in certain programs (please consult with the appropriate program chair and/or dean).

## A.6.n. Graduation with Honors

**Undergraduate students receiving a BAIS** who have a record of high academic achievement are honored according to the following categories.

- *Graduation Cum Laude*: Grade Point Average of 3.5 - 3.74 at the time of graduation.
- *Graduation Magna Cum Laude*: Grade Point Average of 3.75 - 3.89 at the time of graduation.
- *Graduation Summa Cum Laude*: Grade Point Average of 3.9 - 4.00 at the time of graduation.

**Graduate students** graduate “with Distinction” if they have an overall Grade Point Average of 4.00 for all courses taken at the Institute.

## A.7. Policies Concerning Enrollment and Payment Fees

- [A.7.a Full-Time and Part-Time Enrollment Status](#)
- [A.7.b. Payment of Fees](#)
- [A.7.c. Tuition Refunds](#)
- [A.7.d. Course Load and Overloads](#)
- [A.7.e. Adding Courses](#)
- [A.7.f. Dropping Courses](#)
- [A.7.g. Auditing Courses](#)
- [A.7.h. Repeating Courses](#)

### A.7.a. Full-Time and Part-Time Enrollment Status

#### A. Regular Academic Terms (Fall and Spring Semesters)

During the fall and spring semesters, a student is considered full-time when enrolled for twelve or more credits, half time when enrolled for six to eleven (6-11) credits, and less than half time when enrolled for fewer than six (6) credits. A student who is half time or less than half time is considered part-time.

**International students** are required to enroll full-time for a minimum of 12 credits each semester. International students may carry fewer than 12 credits in their last semester **ONLY** if that is all they need to finish their degree. Otherwise they may not drop below 12 credits without authorization from the Student Services Office at the Middlebury Institute.

## **B. Summer and Winter Sessions**

During the regular summer session (excluding the Summer Intensive Language Programs), a full-time load is defined as six (6) credits. For the Summer Intensive Language Programs, different policies apply; please see the appropriate program brochures available from Program offices.

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## **A.7.b. Payment of Fees**

Any outstanding tuition balance must be paid in full before a student is eligible to register.

Any credit card payment made to a student account in excess of the balance (less anticipated financial aid) will be refunded to the credit card utilized for payment.

All registrations for courses or programs at the Institute are subject to subsequent revocation by the Institute in its sole discretion, and at any time that the Institute determines that a student account has a negative balance. If the Institute thus revokes registration for a course or program, the student may not further attend those courses, nor may the student earn grades.

All students pay tuition and fees to the Business Office and finalize their registration for classes by 4 PM on the 20th business day of classes of the fall or spring semester or the 13th business day for summer term in order to avoid the late payment fee of \$250. Students who have not paid their tuition by the 20th business day of classes will not be permitted to continue until they have developed a payment plan acceptable to the Business Office. If the Business Office approves such a payment plan, the Institute nevertheless retains the discretion to revoke the registration at any subsequent time that the Institute determines that a student account has a negative balance, because payments have not been made in compliance with the payment plan. If the Institute thus revokes registration for a course or program, the student may not further attend those courses, nor may the student earn grades.

Students who are being sponsored by other organizations for full or partial tuition are responsible for the Institute receiving these payments by the 20th business day of classes. If such payments are not possible by 20th businessday of classes, the student must provide the Business Office with written commitment from the sponsoring organization that full payment of tuition and fees will occur. Such written commitment must be on the letterhead of the sponsoring organization and must include the total amount the sponsoring organization will pay each semester, billing instructions, and the signature of the authorized representative of the sponsoring organization. If such written documentation is not provided by 4 PM on the 20th businessday of the semester, the late registration fee of \$250 will be assessed. In this case it is the student's responsibility to make arrangements for payment of the late fee in addition to the tuition and fees. If the Business Office approves such an external written commitment, the Institute nevertheless retains the discretion for subsequent revocation of the registration at any time that the Institute determines that a student account has a negative balance because payments have not been made in compliance with the external written commitment. If the Institute thus revokes registration for a course or program, the student may not further attend those courses, nor may the student earn grades.

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### A.7.c. Tuition Refunds

If a student voluntarily withdraws from the Middlebury Institute at any time during the academic year after the academic term has begun, or officially drops below a full-time load, tuition (less deposit) shall be refunded as follows:

Time of Withdrawal from the Middlebury Institute	Percent Tuition Refunded or Credited
Before the 11th day of the academic term	100%
11th through 20th day of the academic term	50%
After the 20th day of the academic term	0%

Weekend workshops and other brief courses dropped by 4 P.M. on the last business day a week before they begin will receive full refund. After that deadline, there is no refund.

If a student’s enrollment status during the regular academic year voluntarily changes from full-time to part-time as a result of dropping a course(s) by 4 P.M. on the 10th business day of the academic term the student will be refunded the difference between the paid full-time tuition and the per-credit cost. If the student has been billed full tuition but has not paid in full, her/his tuition account will be credited for the difference between full-time tuition and the per-credit cost.

The refund schedules for summer programs **other than the Summer Intensive Language Program** is as follows:

Time of Withdrawal from Summer Program	Percent Tuition Refunded or Credited
Before the 6th day of the program	100%
6th through 13th day of the program	50%
After the 13th day of the program	0%

The Intensive Language Programs and non-credit, fee-based programs publish their own refund schedules. Students should consult with the program.

**Note: Federal financial aid has different refund rules. Students receiving Federal financial aid should see the Office of Student Financial Services before withdrawing.**

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### A.7.d. Course Load and Overloads

Registering for more than 16 credits in any semester/term may put you in an overload status and additional tuition may be due and payable. Students who are in a two-year degree program should complete it over the course of four terms by taking up to 16 credits each term. They will be charged four comprehensive fees to cover the tuition for such a program. For students who spend a semester at a Middlebury School Abroad, that semester is treated as a semester in which the student paid a comprehensive fee to the Institute for purposes of this policy.

Students who wish to take more credits (defined as an overload) may either: (1) pay for the additional credits at the per-credit rate or (2) defer the overload credits to a subsequent semester in which they pay full-time tuition and take fewer than sixteen (16) credits. A student who has overload credits from previous terms may during another term (including the summer) combine these overload credits with other credits so that he/she can be charged a comprehensive fee rather than a per-credit fee, as long this term is one of his/her four terms and the total number of credits falls within 12 to 16 credits.

Students will be limited to having a maximum of six credits as either outstanding overloads or underloads at any time. If a student incurs more than six overload credits, they will be required to get their Academic Advisor's approval for such an overload and may be required to pay for any credits in excess of six overload credits at the time they are incurred. Students are advised not to underload more than four credits as this may impact their ability to graduate in a timely manner and may result in their paying additional tuition if they have to enroll for an additional term. Additionally, underloading or overloading may ultimately cost the student more than originally advised, as tuition tends to increase from year to year. Underloads can only be used to offset overloads and cannot be used as credits for tuition payment obligations.

Students who defer overload charges without an equivalent underload in a subsequent semester will be required to pay the current rate for the overload credits remaining when they register for their final semester. Students with overload credits who do not return as anticipated must pay for those credits at the current tuition rate. Since no financial aid will be available to students not attending the Institute, the Business Office and the Office of Student Financial Services should be notified before the end of the last semester attended at the Middlebury Institute. Also, overloads and underloads are completely independent and separate from scholarships. Students who carry overloads/underloads should not expect merit scholarships to be applied to either.

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## A.7.e. Adding Courses

All additions to a student's schedule must be made in BannerWeb before the published add deadline.

Courses may be added through the 10th business day of the academic term, or by the 10th day of half-semester courses. Workshops and other brief courses may be added until 4 P.M. on the last business day a week before they begin. Adding courses may result in additional tuition charges.

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## A.7.f. Dropping Courses

A student who wishes to drop course must do so through BannerWeb before the published deadline. Note: Without an official drop, tuition charges for the course remain due and payable. International students may carry fewer than 12 credits in their last semester ONLY if that is all they need to finish their degree. Otherwise they may not drop below 12 credits without authorization from the international student advisor at the Middlebury Institute.

If a student merely stops attending a class and does not officially drop it, s/he will remain on the class roll and the instructor will assign a grade.

No record is kept of a course(s) that is dropped by 4 P.M. on the 20th business day of the regular academic term. No course(s) may be dropped after the 20th business day of a regular term (10th day of half-semester courses and degree program courses in the summer session), except when illness or other emergency requires a leave of absence or withdrawal from the Institute. Weekend workshops and other brief courses may be dropped until 4 P.M. on the last business day a week before they begin, unless otherwise specified in the course schedule, and except when illness or other emergency occurs. Withdrawing from a course after the published deadline requires a petition for waiver of academic regulations. If granted, a “W” grade, that does not affect the GPA, will be recorded and tuition will remain due and payable.

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## A.7.g. Auditing Courses

A requests to audit a course must be approved by the instructor of record and the student must register as an auditor. Full-time students, (registered for 12 credits or more), may audit up to four (4) credits per semester without charge. Full-time students who register to audit more than four (4) credits in any semester will be charged at one-half the regular per-credit rate for each credit over four (4) credits audited.

Part-time students who wish to audit courses may do so by registering in the Records Office and by paying one-half the regular credit rate for each credit audited. When a part-time (11 credits or less) student’s per credit fees exceed the comprehensive fee that a full-time student would pay, then those students may also audit up to four credits per semester without charge.

The instructor of record establishes the student attendance requirements and required deliverables for auditing a course and has the right to refuse auditors. No credit is awarded for courses that are audited. The student’s permanent record shows an AU for audit if the student has met the instructor’s attendance requirements for awarding an AU. If the student fails to meet the instructor’s attendance requirements, the instructor of record so informs the Records Office and no record of the course appears on the student’s permanent transcript. Note: students in Translation and/or Interpretation may be required to audit only half of a four (4) credit course as part of their degree program, in which case the audit will be recorded as only two (2) credits.

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## A.7.h. Repeating Courses

A student may repeat a course by registering for the course again and paying the appropriate fees. When a student repeats a course, the grade recorded the first time the course was completed remains permanently on the student’s transcript. However, only the new grade will be considered in the calculation of the student’s Grade Point Average.

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## A.8. Leaves of Absence, Withdrawal, Suspension, Expulsion, and Graduation

- [A.8.a. Leave of Absence - Student Initiated](#)
- [A.8.b. Institute Initiated Leave of Absence, Emergency Withdrawal, Suspension or Expulsion](#)
- [A.8.c. Graduation](#)
- [A.8.d. Withdrawal from the Middlebury Institute](#)
- [A.8.e. Readmission to the Middlebury Institute](#)
- [A.8.f. Withdrawal Procedures for Students Who Are Military Dependents Whose Families Must Move Due to Redeployment/Relocation](#)
- [A.8.g. Return of Title IV \(Federal\) Funds](#)

## A.8.a. Leave of Absence - Student Initiated

A student may register for a leave of absence for up to two years if s/he has successfully completed at least one semester at the Middlebury Institute, is in good academic standing, and has met all financial obligations to the Institute. A leave of absence is approved for one year at a time, and the student must request an extension to continue the leave into a second year.

In order to register for a leave of absence, the student must file a petition for a Leave of Absence form in the Records Office and a non-refundable deposit of \$150 must be paid by 4 P.M. on the third day of the first term of absence (Fall or Spring; Summer term is excepted). The deposit is applicable toward the student's tuition upon returning to the Institute. Unless this procedure is followed, a returning student must apply for readmission through the Admissions Office and pay another application fee. Please obtain the petition for a Leave of Absence from the Records Office. **International students** may be required to leave the U.S. during a leave of absence if they have not officially transferred to another academic institution or applied for a change of status through the U.S. Citizenship and Immigration Services (USCIS).

**Students should be aware that since they are not enrolled during a leave of absence, this might cause student loan payments to fall due.** Students receiving any federal financial aid and/or a Middlebury Institute scholarship should obtain advice and instructions on leaves of absence from the Office of Student Financial Services and schedule an exit interview, which is required by federal regulations.

In the event that a student is going on a leave of absence in order to pursue a degree program-related internship, fellowship or Peace Corps service, the settlement of tuition overloads before departure may be waived by completing the required Leave of Absence Petition. However, if a student fails to return and re-enroll, he/she is liable for those charges at the prevailing rate. The petition is available from the Records Office. **Note:** Students going on a leave of absence for any other reason are required to pay their overload credits before leaving the Institute. Please see Course Load and Overload section, above.

Upon return from a leave of absence, the student must have no outstanding balance due and have a \$150 non-refundable deposit on account. The \$150 tuition deposit will be applied against billed tuition in the returning semester. The deposit is good for a maximum of two years, after which the student must re-apply for admission to the Institute. **Note:** No student will be allowed to register if there is a balance due on his or her tuition account.

## A.8.b. Institute Initiated Leave of Absence, Emergency Withdrawal, Suspension or Expulsion

The Institute reserves the right, on an emergency basis, to impose an Institute initiated leave of absence, suspend, expel or require to withdraw any student whose presence at MIIS is determined by MIIS authorities to pose a danger to the MIIS community or its members or to be duly disruptive of MIIS life, or who appears to be



unwilling or incapable of effectively and/or safely participating in MIIS' academic or other programs and/or student life. Before any action is taken, the Institute will make efforts to notify the student of its judgment and the bases for its judgment and give the student an opportunity to provide information to the Institute. If the student is placed on leave, withdrawn, suspended or expelled, the Institute will consider appropriate credits to the student account for payment of educational services thereby withdrawn. The conditions and procedures for readmission will be determined and communicated in writing to the student at the time of the student's departure or shortly thereafter.

### A.8.c. Graduation

Each degree candidate must file a petition for graduation with the Records Office before, or at the time of, registering for his/her final semester at the Institute. **Note:** it is the responsibility of students to consult with the Center for Advising and Career Services regularly and well in advance of the intended date of graduation to ensure that their courses meet the requirements for their degrees.

Degree Audit: After a student has applied for graduation, his/her course record is evaluated by the Records Office to ensure that the courses required for the degree have been successfully completed and the overall GPA is 3.00 or better. If the student's course work does not meet the requirements of the degree, the Records Office will notify the student and a degree will not be conferred until all requirements are completed satisfactorily.

Some degree programs at the Middlebury Institute may have additional exit requirements. Please consult the Center for Advising and Career Services.

A student respondent will not be permitted to graduate from or otherwise be deemed to have officially completed a MIIS program in which they are enrolled while a disciplinary matter is pending; the student's graduation or certification will be held in abeyance until the matter is resolved.

### A.8.d. Withdrawal from the Middlebury Institute

A student who wishes to withdraw from the Middlebury Institute for academic or personal reasons may petition to do so at any time before the end of any semester. The petition may be obtained from the Records Office. Any refund of tuition will be based on the date of withdrawal (please see above, Payment of Fees and Refund Schedule). Students who plan to return to the Middlebury Institute to complete their degree program should consult the regulations on Leave of Absence and Readmission to the Middlebury Institute, before completing the withdrawal petition.

If a student respondent withdraws with a disciplinary matter, sanction, or appeal pending, the withdrawal will be considered a resignation from MIIS, and the student will have given up the opportunity to return to any MIIS program. The student's official status at MIIS will reflect the point in the process at which they withdrew, and the nature of the finding and sanction, as appropriate. Examples include but are not limited to "Withdrawal with a Disciplinary Matter Pending," "Withdrawal with a Disciplinary Sanction Pending," and "Withdrawal with a Disciplinary Appeal Pending."

In extraordinary circumstances, the appropriate supervisory authority may, after appropriate consultation, review of the case, and consideration of MIIS' best interests, grant permission for a respondent to withdraw from MIIS when a disciplinary matter is pending. If the student is readmitted to MIIS, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return (as determined by MIIS). A student who wishes to withdraw from the Middlebury Institute for academic or personal reasons may petition to do so at any time before the end of any semester. The petition may be obtained from the Records Office. Any

refund of tuition will be based on the date of withdrawal (please see above, Payment of Fees and Refund Schedule). Students who plan to return to the Middlebury Institute to complete their degree program should consult the regulations on Leave of Absence and Readmission to the Middlebury Institute, before completing the withdrawal petition.

If a student respondent withdraws with a disciplinary matter, sanction, or appeal pending, the withdrawal will be considered a resignation from MIIS, and the student will have given up the opportunity to return to any MIIS program. The student's official status at MIIS will reflect the point in the process at which they withdrew, and the nature of the finding and sanction, as appropriate. Examples include but are not limited to "Withdrawal with a Disciplinary Matter Pending," "Withdrawal with a Disciplinary Sanction Pending," and "Withdrawal with a Disciplinary Appeal Pending."

In extraordinary circumstances, the appropriate supervisory authority may, after appropriate consultation, review of the case, and consideration of MIIS' best interests, grant permission for a respondent to withdraw from MIIS when a disciplinary matter is pending. If the student is readmitted to MIIS, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return (as determined by MIIS).

### **A.8.e. Readmission to the Middlebury Institute**

A student who has withdrawn from the Middlebury Institute must apply to the Admissions Office for readmission if s/he wishes to return to the Institute after officially withdrawing, or if the student has been absent from the Institute for a fall or spring semester without registering for a leave of absence. Readmitted students shall be bound by the degree requirements in effect at the time of readmission and the application fee currently in effect will be charged. **International students** who remain in the U. S. during their absence from the Middlebury Institute must provide proof with their readmission that they have maintained their immigration status.

### **A.8.f. Withdrawal Procedures for Students Who Are Military Dependents Whose Families Must Move Due to Redeployment/Relocation**

Students who are military dependents and whose families must move due to redeployment or relocation must submit a copy of their family members' deployment/relocation orders to the Records Office and complete an Institutional Withdrawal form.

- Students who must move before the end of the second week of instruction shall receive a 100% refund, and no course entry will appear on their transcript.
- Students shall be responsible for settling any overload charges on their accounts.
- Students who must move after the end of the second week of instruction shall receive a "W" for each course enrolled and receive a 100% refund.

### **A.8.g. Return of Title IV (Federal) Funds**

If a Title IV (federal aid) eligible student withdraws because of being called to active duty, or has been otherwise impacted by military mobilization, the school must perform the Return of Title IV Funds calculations that are

required by the statute and regulations (34 CFR 668.22). If those calculations result in the school being required to return funds to one or more of the Title IV (federal aid) programs, it must do so. In many cases such a return of funds by the school will reduce the student's loan debt. An institution, however, is not required to collect an overpayment of grant funds based on the Return of Title IV Funds calculation for such a student. Therefore, the school is not required to contact the student, notify NSLDS, or refer the overpayment to the Department in these cases.

## B. Policies Governing Student Conduct and Student Organizations

- [B.1. General Policies](#)
- [B.2. Conduct](#)
- [B.3. Health & Wellness](#)
- [B.4. Student Clubs and Organizations](#)

### B.1. General Policies

All students at the Institute are responsible for knowing and complying with all [Middlebury-Wide Policies](#) as well as the policies of the Institute.

#### A. Bike Policy<sup>2</sup>

Bikes may not be left on campus overnight. Campus Security will impound any bike left on campus for more than 72 hours. Impounded bikes may need to have their locks cut and will be placed into the Lost and Found. Students will need to claim their bike at the Security Office and will have to replace their lock at their own expense, as necessary. This policy exists to protect your property, as bikes left on campus overnight or for more than just a few days can attract thieves to the campus.

#### B. Classroom Policy (Guests in the Classroom)<sup>2</sup>

##### 1. Children

Children are not permitted to attend or be present during MIIS classes unless they have the prior consent of the responsible faculty member. Only in the event of an emergency and/or non-routine situation may an individual seek an exception to this policy.

Children are also not permitted in quiet study spaces, such as the Library, the Samson Center Reading Room, and the McGowan Lobby. Children are permitted in common areas, such as the Samson Center Dining Room, the Holland Center, and the garden, as long as they are supervised by a Middlebury Institute parent or guardian.

##### 2. Other Guests

Middlebury Institute faculty members have the authority to decide if guests may be allowed in the classroom.

When making such a determination, the faculty member will consider issues of safety, the impact on other students, and may consider the appropriateness of course content in making such decisions. If not already prohibited in the course syllabus, the request for an exception must be made to the responsible faculty member **prior to bringing** any guest into the classroom.

In the event permission is granted by the faculty member to bring a guest to a classroom, it is the responsibility of the guest's sponsor/host to make sure the guests do not disrupt the educational environment of the class. If the guests do cause a disruption, the faculty member shall request or insist that the guest(s) leave or be removed from the classroom.

### 3. Pets

Pets are not allowed on campus, except when it is a service animal as defined by the [Service & Assistance Animals Policy](#).

### C. Visitor Use Policies

Visitor policies shall apply to the Samson Student Center, Holland Center, and Library. Students are allowed a maximum of three to five guests or visitors per person during operational hours. When using campus facilities, students must carry a current [MiddCard](#). If a suspicious person or non-student or non-personnel is utilizing campus facilities, Campus Security should be notified by picking up a nearby blue campus phone or by dialing 647-4153, or simply dialing extension 4153 from an on-campus phone.

### D. On-Campus Student Parking

On-campus parking may be available by permit only for students who live more than one mile from campus. For more information on parking permit eligibility and regulations, please go to the [Campus Security Office](#).

## B.2. Conduct

- [B.2.a. General Conduct Policy](#)
- [B.2.b. Student Conduct Policy Overview](#)
- [B.2.c. Student Conduct Disciplinary Process](#)

### B.2.a. General Conduct Policy

#### A. Respect for Persons

All students, as members of the Middlebury community, are expected to respect the dignity, freedom, and rights of others.

Middlebury prohibits the use of violence against any individual, including dating misconduct, the negligent or reckless use of physical force, as well as the incitement or provocation to violence. Middlebury also prohibits conduct that may reasonably be expected to exploit or coerce, including sexual exploitation, and/or domestic/dating misconduct. Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that other person without that other person's consent, such as recording video or audio of someone's sexual activity, intimate body parts or nudity, without that person's consent. Domestic or dating misconduct is threatening or coercive behavior that does not involve violence but occurs in a domestic or dating relationship.

In addition, students may not engage in behavior that prevents someone's ability to communicate or move freely, behavior that violates someone's privacy; entering someone's room or office without authorization or invitation, or stalking. Stalking is defined as two or more acts that would cause a reasonable person to fear for the person's

safety or the safety of others, OR to suffer substantial emotional distress. Stalking can include non-consensual communication in any manner; pursuing, waiting or showing up uninvited in places frequented by the person; surveillance or voyeurism, trespassing, vandalism, non-consensual touching, threats, threats to harm oneself, and use of a third party to accomplish any of these actions.

Finally, behavior that violates common standards of decency, fails to comply with local laws or statutes, or demonstrates contempt for the generally accepted values of the intellectual community is prohibited.

## **B. Communicating with Honesty and Integrity**

Middlebury's General Conduct Standards and [Middlebury-Wide Policies](#) include acting with integrity and honesty in all actions and communications relating to Middlebury. Therefore, providing information to any member of the Middlebury staff or faculty that an individual knows or reasonably should know is false or misleading is a serious violation of Middlebury policy.

## **C. Respect for Middlebury's Educational Function**

Any substantial disruption of Middlebury's educational function is prohibited.

## **D. Respect for the Authority of Middlebury Officials**

Middlebury depends on employees and agents to advance the educational mission of the institution. These employees and agents include but are not limited to faculty members; deans; administrative, custodial, dining, and library staff; Public Safety and Campus Security officers and their equivalents; residential life staff; and other individuals such as members of the police and ambulance forces, service providers, and security staff. All students are expected to respect the authority of these individuals when they are executing their responsibilities for Middlebury. Students are expected to cooperate fully in the disciplinary process and any student, whether a party or a witness, who refuses to cooperate may be subject to discipline. Failure to comply with requests from Middlebury officials will subject a student to disciplinary sanctions. Students are expected to identify themselves by showing their Middlebury identification card upon request of Middlebury officials.

## **E. Respect for Middlebury's Resources and Others' Property**

Middlebury's educational mission depends on careful stewardship of our shared resources, including campus buildings, land, and other property, and of the property of members of our community. Theft, vandalism and property damage are prohibited. Unauthorized use of services, including dining hall meals and materials, and disposition of property to another under the pretense that it is one's own, are forms of theft. Sanctions will include restitution or replacement and may also include disciplinary sanctions. When such theft or damage constitutes a criminal offense, it will ordinarily be reported to law enforcement authorities.

# **B.2.b. Student Conduct Policy Overview**

All members of the Middlebury Institute student community shall:

- Adhere to and help maintain a high level of personal and professional behavior that is respectful of the dignity of all persons
- Respect the rights and property of others
- Treat equally the ideas, feelings and opinions of all students who work and study at the Institute and their right to live and study in conditions that support their work and development
- Refrain from and discourage behaviors that threaten freedom and respect every individual

The Student Conduct Policy promotes a campus environment that supports the overall educational mission of the Middlebury Institute and intends to help protect the Institute community from disruption and harm, to encourage appropriate standards of individual and group behavior, and to foster ethical standards.

The Institute's approach to policy and to addressing policy violations is guided by the above principles. Depending on their nature and severity, alleged Institute policy violations may be adjudicated and discipline may be assigned by several different administrators and the Conduct and Appeals judicial boards, as detailed in the Student Life Policies. The deans, administrators and judicial boards consider the totality of a student's history, the impact on community, and the specific circumstances of the event when determining appropriate responses to policy violations. Consistent with the cultivation of an awareness of responsibility and accountability, students found in violation of Institute policies and/or participating in prohibited acts will be held responsible, will be subject to discipline, and/or will be charged for fines and associated costs (such as materials or labor costs for repairs; cost of impoundment; restitution, etc.) as appropriate. Students with unpaid charges may be restricted from registering for classes until their accounts are in order. Please see [Student Conduct Disciplinary Process](#) for more information.

Disciplinary outcomes issued in an Institute program may be referred to any other Institute program in which the student is or will be enrolled (see "Scope of Oversight," below). The student's ongoing or future enrollment in any other Institute program will be determined in accordance with that program's policies and processes. Admission to any Institute program may be denied or withdrawn based on the student's disciplinary history at any other Institute or non-Institute program.

The policies are intended to be read broadly and are not designed to define misconduct in exhaustive terms. Attempts to commit acts prohibited in these policies may also lead to disciplinary action and sanctions.

### **A. Institute Initiated Leave of Absence, Emergency Withdrawal, Suspension, or Expulsion<sup>2</sup>**

In addition to fostering the growth of its individual students, the Institute recognizes its obligation to promote the welfare of the Institute community as a whole and to take appropriate action when that welfare is jeopardized. To that end, the Institute reserves the right, notwithstanding and apart from the procedures described under [Student Conduct Disciplinary Process](#), on an emergency basis, to suspend, expel, or require a leave of absence or to withdraw any student whose presence at Institute is determined by Institute authorities (the vice president for academic affairs/dean of the Institute (VPAA/DOI); the dean of enrollment, advising and student services, the academic deans (as applicable); the associate dean of student services (ADSS); and the Threat Assessment Management Team (TAM) (as applicable)) to pose a danger to the Institute community or its members or to be unduly disruptive of Institute life, or who appears to be unwilling or incapable of effectively and/or safely participating in Institute' academic or other programs and/or student life. In cases of emergency suspension or required withdrawal, the conditions and procedures for readmission will be determined and communicated in writing to the student at the time of the student's departure or shortly thereafter. For more information on student status, please see Part II, Section 4 "Leaves of Absence, Withdrawal, Suspension, Expulsion and Graduation" in the Policy and Standards Manual.

Faculty and administrative officials should ensure that positional authority is not used to inhibit the intellectual and personal growth of students.

### **B. Scope of Oversight<sup>2</sup>**

Students will be held accountable for policy violations that take place between the time they first arrive on campus to begin their Institute program and their graduation or official program completion, or the Institute's confirmation of their resignation or expulsion. Conduct that takes place on or near Institute premises or property; occurs at or in connection with an Institute-related event; or occurs off-campus but may represent a threat to the safety of the Institute community or its members, the pursuit of its objectives, and/or the educational environment of others, may be subject to Institute' disciplinary process. In cases where a student is found responsible for a policy violation while participating in any Institute or non-Institute program, the finding of

responsibility may also be referred to the appropriate authority overseeing any additional Institute program in which the student is or will also be enrolled for other action as deemed appropriate. This may include but is not limited to: further investigation; additional adjudication under existing policies (using only information gathered in the first disciplinary process, or using subsequently gathered information, or both, as deemed appropriate by the overseeing authority); disciplinary action; or other remedies or processes deemed appropriate by the authority overseeing the additional Institute program.

Students should report Institute employee conduct issues directly to the Human Resources Manager in the Human Resources Department at (831) 647-3520 or [hr@miis.edu](mailto:hr@miis.edu).

### **C. Pending Discipline**

A student respondent will not be permitted to graduate from or otherwise be deemed to have officially completed a Institute program in which they are enrolled while a disciplinary matter is pending; the student's graduation or certification will be held in abeyance until the matter is resolved. If a respondent withdraws with a disciplinary matter, sanction, or appeal pending, the withdrawal will be considered a resignation from the Institute, and the student will have given up the opportunity to return to any Institute program. The student's official status at the Institute will reflect the point in the process at which they withdrew, and the nature of the finding and sanction, as appropriate. Examples include but are not limited to "Withdrawal with a Disciplinary Matter Pending," "Withdrawal with a Disciplinary Sanction Pending," and "Withdrawal with a Disciplinary Appeal Pending."

In extraordinary circumstances, the appropriate supervisory authority may, after appropriate consultation, review of the case, and consideration of Institute's best interests, grant permission for a respondent to withdraw from the Institute when a disciplinary matter is pending. If the student is readmitted to Institute, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return (as determined by the Institute).

### **D. Deadlines**

Several Student Life policies include deadlines. Unless otherwise noted, "days" indicates calendar days, regardless of whether the majority of the Institute's administrative offices are open. "Business days" indicates days on which the majority of Institute's administrative offices are open, and generally connotes Mondays through Fridays. In computing any period referenced in this policy, the day of the act or event (e.g., notification of hearing, issuance of an outcome letter, etc.) from which the designated time begins to run shall not be included. The last day of the period so computed shall be included if it is a business day; when not a business day, the period will conclude at the end of the next business day.

### **E. Academic Freedom**

Institute is a community of learners and as such recognizes and affirms that free intellectual inquiry, debate, and constructive dialogue are vital to the Institute's academic mission and must be protected even when the views expressed are unpopular or controversial. The Institute's Student Life policies are meant neither to prescribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including sex, sexual orientation, gender identity or expression, race, color, ethnicity, religion, marital status, place of birth, ancestry, national origin, age, or disability, when in the judgment of a reasonable person they arise appropriately and are conducted with respect for the dignity of others. The Institute also recognizes that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses, including but not limited to conduct that violate the Institute's [General Conduct Policy](#), [Anti-Harassment/Discrimination Policy](#), and other policies are unacceptable. The "reasonable person standard" is to be used in judging whether a policy violation has occurred.



## B.2.c. Student Conduct Disciplinary Process

- [A. Overview](#)
- [B. The Judicial System](#)
- [C. Hearing Procedures](#)
- [D. Sanctions for General Non-Academic Offenses](#)
- [E. Sanctions for Academic Offenses](#)
- [F. Appeals Procedures](#)

### A. Overview

This section describes the disciplinary process that is normally followed when violations of the Institute's Student Life and/or other Institute policies are alleged. Where other MIIS policies specify separate processes, those processes will apply. (See, e.g., the [Anti-Harassment/Discrimination Policy](#); the [Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking](#); and the [Academic Honesty Policy](#).)

The associate dean of student services (ADSS) or the designees of this administrator issues letters of warning, reprimands, probationary status, or letters of official discipline when it is determined that student life policies have been violated. The ADSS may also issue additional restrictions of the Institute's privileges, including but not limited to participation in student life activities, clubs, student council or guest privileges, and assign educational sanctions, including but not limited to reparative community service, as appropriate. Students may appeal the issuance of a letter of official discipline by ADSS to the Conduct Judicial Board; they may not appeal unofficial sanctions.

The ADSS may additionally issue sanctions of suspension or expulsion through the Disposition without Hearing process (see [Hearing Procedures](#)), as well as other academic sanctions as noted (see [Sanctions for Academic Offenses](#)). In the case of suspension or expulsion, the ADSS will consult with the Vice President for Academic Affairs and Dean of the Institute (VPAA/DOI) prior to issuing the sanction. The dean of enrollment, advising and student services may issue sanctions of suspension through the Disposition without a Final Determination process (see [Anti-Harassment/Discrimination Policy](#)). The VPAA/DOI and other officials have additional sanctioning authority in emergency circumstances; see the section Institute Initiated Leave of Absence, Emergency Withdrawal, Suspension or Expulsion in the [Student Conduct Policy Overview](#).

Except where other policies designate a different process, the Conduct Judicial Board generally reviews cases in which allegations of non-academic and academic policy violations may result in a sanction of a letter of official discipline, suspension or expulsion, and/or cases that have had an especially broad or negative impact on the community. See "[Section B. The Judicial System](#)" for more information on the Conduct Judicial Board.

#### 1. "No-Contact" Orders

When a verbal or physical altercation, sexual misconduct, domestic or dating violence or misconduct, stalking, harassment, discrimination, retaliation, or hazing has been alleged, or when otherwise deemed appropriate under the circumstances, the ADSS or the human relations officers (HROs), have the authority to issue No Contact Orders to the persons involved, whether or not disciplinary action is taken. A No Contact Order is used to restrict encounters and communications between individuals. While a No Contact Order is not a disciplinary sanction, and will not appear on a student's disciplinary record, refusal to adhere to the order after written or verbal notification of its terms is prohibited and may result in disciplinary action.

#### 2. Legal Proceedings



The Institute's disciplinary action is distinct from and not dependent upon the outcome of any legal proceedings involving a student, although conduct that forms the basis for legal proceedings may also warrant disciplinary action by the Institute, and conviction of a crime may in itself justify disciplinary action. If the Institute determines that a complaint will not be heard on campus, there may be an avenue for redress through legal action (civil and/or criminal).

The Institute may offer assistance to a student facing civil or criminal legal proceedings by apprising the student of sources of legal counsel, for example, but the Institute will endeavor not to interfere in any such proceedings. Students should also be aware that Institute officials and other students may, like all persons, be compelled to give testimony or evidence if subject to the subpoena power of a court.

While students are enrolled at the Institute, they must inform the Institute of any occasion on which they are charged with a felony by state or federal authorities. Failure to do so may itself result in disciplinary action.

### 3. Conduct Judicial Board and Other Procedures<sup>2</sup>

All parties will be provided procedural rights as outlined in the section or as outlined in our [Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking](#), or [Anti-Harassment/Discrimination Policy](#), as applicable. Alleged violations of the Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking and the Anti-Harassment/Discrimination Policy are adjudicated through separate processes; please consult those policies for more information. Since the Institute lacks full judicial authority, such as the power to subpoena or place witnesses under oath, a student's rights cannot be coextensive with or identical to the rights afforded in a civil or criminal legal proceeding. However, the procedures outlined in the section and in the Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct and Stalking and the Anti-Harassment/Discrimination Policy are designed to provide fundamental fairness and to protect students from arbitrary or capricious disciplinary action. The Conduct Judicial Board, the ADSS, the HROs and other disciplinary authorities at the Institute shall conduct their proceedings in the spirit of these principles. If exceptional circumstances dictate variation from these procedures, the variation will not invalidate a decision unless it prevented fundamental fairness.

## B. The Judicial System

The judicial system at the Institute consists of two judicial bodies: The Conduct Judicial Board and the Judicial Appeals Board. The judicial process is overseen by the ADSS.

### 1. Conduct Judicial Board<sup>2</sup>

#### a. Jurisdiction<sup>2</sup>

The Conduct Judicial Board normally adjudicates allegations of significant non-academic and academic conduct infractions.

If the Conduct Judicial Board cannot be convened because the Institute is in recess for the summer or J-term, a student responding to allegations of a disciplinary offense may choose to have the matter resolved through the [Disposition without Hearing](#) process, or to postpone a hearing until the Conduct Judicial Board can be convened in the fall or spring. A student who chooses to postpone a hearing under these circumstances and who is subsequently suspended for the fall or spring semester, or expelled, will receive a full reimbursement of tuition and all Institute fees for that semester.

Conduct issues that do not fall under our Anti-Harassment/Discrimination Policy or our Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct or Stalking, and, that occur during our Summer

Intensive Language Program (SILP), or one of our intensive English language programs, will be handled according to the conduct policies and procedures established for the relevant program.

## **b. Organization**

### ***Composition***

For the purposes of a non-academic allegation hearing, the Conduct Judicial Board will consist of five members: one staff member, one faculty member, and three students. For the purposes of an academic allegation hearing, the composition of the Board will consist of two student members, two faculty members and the dean of enrollment, advising and student services, who normally serves as the chair. Each member has one vote. To accommodate conflicts of interest and scheduling, at least two staff members, four faculty members, and five to seven students will be selected or appointed each year to rotate service at Conduct Judicial Board hearings.

### ***Selection***

The Institute's VPAA/DOI will appoint the staff representatives to the board on the recommendation of the Staff Advisory Committee. The Academic Policy, Standards, & Instruction Committee (APSIC) will appoint two faculty members, serving as APSIC reps, to the board for academic-related conduct issues. The Faculty Senate will appoint two faculty members for non-academic related conduct issues. The student members will be selected by the procedure described below.

A student must be a full-time, degree-seeking student in at least in their second-semester and in good academic standing, to serve on the Conduct Judicial Board. A student found responsible for a serious academic or non-academic infraction of Institute rules by any Institute judicial authority will be ineligible for membership.

The selection committee is encouraged to assemble a board of student members who reflect the diversity of the Institute's student population in all areas. Whenever possible, at least one student member will have at least one semester of prior experience serving on the Conduct Judicial Board. The ADSS will review the continued eligibility of a student member of the Conduct Judicial Board who has been found to have committed a serious infraction of Institute rules, and has the authority to require the member to resign.

In the spring semester, a selection committee will be convened and led by the ADSS and will include, whenever possible, one staff member, one faculty member, and at least two members of Student Council. This selection committee will be responsible for advertising the availability of student positions on the Conduct Judicial Board; collecting nominations from the student body; confirming eligibility; interviewing nominees; and selecting the finalists.

### ***Substitution of Members***

If there is a need to convene the Conduct Judicial Board and regular members cannot attend a hearing, alternates to the Conduct Judicial Board will be contacted. If for any reason a member of the Conduct Judicial Board has a conflict of interest in a particular proceeding, a replacement will be sought from among the alternate members

### ***Chairs and Co-chairs***

Each hearing requires that one Conduct Judicial Board member serve as the hearing chair. The responsibilities of the hearing chair include facilitating the hearing and deliberations process, and making evidentiary and procedural decisions during the hearing as described below. The chair of the Conduct Judicial Board for academic allegation hearings will be the dean of enrollment, advising and student services. There is no co-chair for academic-related hearings.

A faculty member who believes a student has engaged in academic dishonesty shall submit a written statement of the facts supporting the allegations to the ADSS, for transmittal to the Conduct Judicial Board. The faculty member's statement should be sufficiently detailed to enable all parties to prepare for the hearing. Respondents

will be provided with access to the professor's statement, a letter from the ADSS identifying the alleged policy violations to be considered in the hearing, and all related materials that will be shared with the board in advance of the hearing. Normally, the hearing will be scheduled no more than two weeks after the ADSS' official letter of allegations has been provided to the student. Shorter deadlines may apply in cases involving students at the end of their final term, or with the agreement of the respondent(s). The faculty member initiating allegations shall participate in the hearing to explain them and to ask and answer questions. The faculty member and the respondent may each be accompanied by an adviser of their choosing from the Institute community.

For non-academic allegation hearings, a staff or faculty co-chair is identified the ADSS on a per hearing basis. The student members of the Conduct Judicial Board may select one student to serve as the student co-chair, on a per-hearing basis. The ADSS will determine based on the composition of board members for each hearing who will serve as the chair for that hearing.

### **c. Accountability and Changes in Procedure**

The Conduct Judicial Board is accountable to the VPAA/DOI who is responsible for considering and approving all recommended changes to the policy and procedures of the Conduct Judicial Board.

## **2. Judicial Appeals Board**

### **a. Jurisdiction**

The Judicial Appeals Board has jurisdiction, as specified in the [Appeals Procedures](#) to hear appeals of decisions of the Conduct Judicial Board under certain circumstances.

### **b. Organization**

#### ***Composition***

The Judicial Appeals Board consists of five members: a member of the academic administration, appointed by VPAA/DOI, who serves as co-chair; two faculty board members who did not participate in the original hearing; and two student board members who did not participate in the original hearing. Each member has one vote.

#### ***Selection of Members***

An attempt will be made to select student and faculty members who did not hear the original case; however, issues of conflict of interest or availability may dictate selecting members at the discretion of the VPAA/DOI. A student member may co-chair the appeal as appropriate.

#### ***Substitution of Members***

If there is a need to convene the Judicial Appeals Board when both regular and alternate members are unavailable, the administrative co-chair and/or the VPOI/DOI may appoint substitute members. Priority will be given to students and faculty with judicial experience. If for any reason a member of the Judicial Appeals Board has a conflict of interest in a particular proceeding, a replacement will be appointed.

## **C. Hearing Procedures**

### **1. Allegations**

Students will be held accountable for policy violations that take place between the time they first arrive on campus to begin their Institute program and their graduation, or the Institute's confirmation of their resignation or expulsion.

The ADSS or designee, in consultation as appropriate, will determine when and whether policy violation allegations will result in judicial hearings, and will identify those Institute policies that may have been violated. The person or group initiating an allegation is called the complainant; in most cases, the Institute serves as the complainant, although the Institute may choose not to exercise the full rights of a complainant as defined below. The student responding to allegations is called the respondent. All official allegations of policy violations are transmitted to the respondent through the ADSS on behalf of the Institute. Prior to the hearing, the respondent will be notified of the identity of the complainant and the names of any witnesses who will attend the proceedings. Respondents will be provided with a general statement of allegations, including identification of the alleged policy violations under consideration, and will have access to all hearing materials that will be shared with the board in advance of the hearing.

## **2. Disposition without Hearing**

Upon receiving written notification of the allegations, respondents who do not contest them may request that the ADSS adjudicate their final and official disposition rather than pursuing adjudication through a judicial board hearing. In circumstances where the ADSS determines that disposition without hearing is not in the best interests of the Institute community, the request will be denied and the case will proceed to a hearing. In cases where disposition without hearing is permitted, the ADSS will propose a sanction appropriate to the acknowledged violation which approximates the sanction the ADSS believes the judicial board would assign with the same information. The respondent may accept the sanction, or may reject it, in which case the allegations will be adjudicated by the appropriate judicial board, and the board's finding and sanction will apply. The ADSS will set a reasonable deadline by which the respondent must choose to accept the sanction or reject it and pursue a hearing.

## **3. Administration of Hearings**

The ADSS serves as a procedural advisor and secretary to the judicial boards. The ADSS assists with scheduling, provides required notices to the parties, witnesses, and board members, identifies the materials to be included in the hearing and provides access to them to the parties and board members as appropriate, identifies and approves witnesses, and otherwise performs administrative functions for the board. The ADSS does not participate in the deliberations of the board, but may be present during deliberations to assist with administrative tasks and provide procedural guidelines.

## **4. Notification of Hearing**

Notification in writing will be given to the respondent, the complainant, and any known witnesses called by the ADSS. Notification will include the time and place of the hearing and must be given to the complainant and respondent at least two business days in advance of the hearing. In most instances, the hearing will be scheduled not more than two weeks after the official transmission of the allegations, except where exigent circumstances require otherwise.

## **5. Attendance at Hearings**

The respondent, complainant, and all required witnesses are expected to be present at the time and place of the scheduled hearing. Failure to appear at a scheduled hearing after proper notice may subject a student to disciplinary penalties up to and including suspension. Judicial proceedings take precedence over academic and nonacademic activities, and students shall be excused from other obligations to participate in the proceedings. Should a respondent who has been properly charged and notified of a scheduled hearing fail to appear, the hearing may proceed and sanctions may be imposed as if the respondent were present.

## **6. Disqualification**

Any member of a judicial body who has a conflict of interest in a particular proceeding is disqualified from sitting on that case. If a member of the Conduct Judicial Board or the Judicial Appeals Board is disqualified, normally an alternate member from the same constituency will be selected to participate.

## **7. Quorum**

Conduct Judicial Board hearings may not be conducted with fewer than three members. Three votes are needed for a finding of responsibility for a policy violation. In the event of a finding of responsibility for a policy violation, sanctions shall be determined by majority vote.

Judicial Appeals Board hearings may not be conducted with fewer than three members, at least one of whom is a student, present. In the event of a finding of responsibility for a policy violation, sanctions shall be determined by majority vote.

## **8. Audio Recording**

All judicial hearings will be audio recorded. The recording is the property of the Institute. In the event of an appeal, the recording will be available for the consideration of the appeal, as well as to the respondent. Copies made for the respondent must be returned once the appeal is filed and may not be used for other purposes.

## **9. Participation in Judicial Proceedings**

Normally, participation in or attendance at judicial hearings shall be limited to students and employees of the Institute. When others are involved in a case or can offer testimony that is directly relevant, the ADSS may permit those individuals to participate in a hearing.

## **10. Expectations**

Honesty is expected on the part of all members of the community who participate in the judicial process. The provision of false or misleading information to a judicial body may itself be grounds for disciplinary action.

## **11. Support Person**

The respondent and the complainant may each bring a support person who is a student or employee of the Institute. This person may be consulted by the respondent/complainant during the hearing, but, unless specifically invited, may not otherwise participate in the proceedings. Prior to the commencement of the hearing, each respondent and complainant shall provide the ADSS with the names of persons serving as their support person. The names will be shared with the both parties.

## **12. Character Reference**

Complainants and respondents may each submit one character reference. If this individual is sharing their reference in person, the individual must be an Institute student or employee. If the individual is providing a letter of reference and is not appearing in person, they may submit the reference to the ADSS, who will read it to the board on the author's behalf. Individuals submitting reference letters are not restricted to the Institute community membership. Character references may not exceed ten minutes in length (in-person references) or five pages of double-spaced 12-point text (letters of reference), and may not contain any content that refers directly to the incident under investigation or provide evidential testimony.

## **13. Independent Expertise**

If the case involves a technical matter that falls outside the expertise of the members of the judicial body, the ADSS may invite an appropriate individual who possesses expertise relevant to the matter at hand to provide technical assistance to the board during the hearing.

#### **14. Rights of the Respondent**

The respondent has the right to be present throughout the hearing and to hear adverse testimony. In no case should the board consider evidence against a student unless the source, author, and content of any statement or other evidence has been identified to the student, and the student has been given the opportunity to rebut the statement or respond to the evidence. All written evidence intended to be introduced at the hearing must be provided to ADSS prior to the commencement of the hearing. Once the hearing begins, the chair reserves the right not to consider written evidence not provided in advance. Sanctions may only be imposed for the specific allegations of which the student has been notified in writing.

#### **15. Evidence Rulings**

Rules of evidence applicable in court proceedings do not apply in this process. The evidentiary materials and testimony may include information that the members of the board ultimately deem to be immaterial. The parties are invited to comment on the relevance, weight and substance of the evidence throughout the hearing. The evaluation of evidence by the members of the board includes consideration of its relevance, materiality, and credibility. In cases where evidentiary or procedural questions arise in connection with the hearing, the ADSS will make rulings prior to the hearing, and the chair of the judicial body shall make rulings on that arise in hearings. A decision of the chair may be modified by a majority vote.

#### **16. Burden of Proof**

The burden of proof rests with the party bringing the allegation.

#### **17. Basis of Decision**

In determining whether a policy has been violated, the board shall base its decision only on evidence introduced at the hearing of that case. Policy violation determinations will be made on the basis of a preponderance of the evidence; that is, after assessing all evidence for its relevance, weight and substance, whether it is more likely than not that the violation occurred.

#### **18. Hearings**

All hearings are confidential, and all board members are committed to maintaining the privacy of the involved parties by refusing to disclose or discuss the content of a hearing outside of the confines of the hearing itself. All complainants, respondents, advisors, character references, witnesses and other participants are asked to do the same.

#### **19. Confidential Deliberations**

All judicial board deliberations are confidential.

#### **20. Decision**

The ADSS will normally provide written notification of the decision to each respondent within two business days of the board's determination. Failure to meet the time limitations in this section will not invalidate a decision.

## 21. Record of Proceedings

If a judicial proceeding results in a finding of no responsibility for any policy violation, there will be no record of the allegations or the hearing in the student's permanent official file.

## D. Sanctions for General Non-Academic Offenses

Sanctions for students found responsible for committing non-academic policy violations are listed below. Sanctions are designed to accomplish several goals to deter harmful conduct; to cultivate responsibility and accountability to self and others; to address the underlying harm including the wellbeing or safety of any individual and/or the community; to eliminate any hostile environment, prevent its recurrence, and correct its discriminatory effects on the complainant and others, if applicable; and to provide other appropriate forms of redress.

Sanctions are recorded in the student's file, and are not reflected on the academic transcript, except that Institute enrollment dates are part of the transcript record. Sanctions that constitute a form of official discipline, as noted below, are included in a student's permanent record and may/must be disclosed by the respondent and/or by the Institute under certain circumstances.

Sanctions may additionally include loss or restriction of Institute privileges and/or educational/reparative assignments as appropriate. Prior conduct and judicial history may be taken into account in determining sanctions. Receipt of sanctions may also impact future Institute opportunities, including but not limited to employment, leadership position selection, or approval for participation in other Institute programs.

If the conduct occurred during the course and scope of the student's employment at the Institute, the matter will be referred to the Human Resources Department, as appropriate, for disciplinary sanctions that may include written reprimands, or termination of employment in addition to the sanctions assigned through the judicial process.

Although discipline is cumulative at the Institute, which may result in greater sanctions for repeated or accumulated violations, it is not progressive. That is, depending on the severity of the violation, a student may receive any of the sanctions below, even for a first offense. Sanctions for offenses involving alcohol and/or drugs will be assigned to be consistent with those outlined below and in the Alcohol and Drug Use Policy.

The sanctions below are listed in order of increasing severity.

### 1. Unofficial Forms of Discipline

#### a. Warnings

A verbal or written warning may be issued when a student has violated Institute policy. A warning is intended to educate the student about Institute policies and/or state laws, and the need to adhere to them. A warning is informal, unofficial discipline and is not part of the student's official record. Students who receive a warning can answer negatively if they are asked if they have been subject to official discipline while enrolled in any Institute program. Warnings are taken into account in determining future disciplinary outcomes and may serve to make further violations of Institute regulations more serious.

#### b. Reprimands

A letter of reprimand may be issued when a student demonstrates an inability or unwillingness to abide by our principles and by repeatedly violating Institute policy. A letter of reprimand may also be issued when a student

has committed a violation of the Institute policy that has had or may have had a negative impact on an individual or on the community. A reprimand registers strongly the Institute's concern regarding the student's actions and its firm expectations for immediate improved behavior.

A letter of reprimand is informal, unofficial discipline and is not part of the student's official record. Students who receive reprimands can answer negatively if they are asked if they have been subject to official discipline while enrolled in any Institute program. Reprimands are taken into account in determining future disciplinary outcomes and may serve to make further violations of Institute regulations more serious.

### **c. Probationary Status**

Students may be placed on probationary status when the number or nature of their Institute policy violation(s) is sufficiently concerning that an additional policy violation will most likely result in an official form of discipline (please see below). Probationary status provides students with an opportunity to avoid this outcome. They may do so by demonstrating improved conduct, generally reflected in their sustained ability to respect community standards and adhere to Institute policies.

If students commit new policy violations while on probationary status, an appropriate course of action will be determined. Considerations may include the gravity and impact of the new infraction; the student's response during and following the new infraction; and the student's progress during the probationary period.

Probationary status is informal, unofficial discipline and is not part of the student's official record. Students who are placed on probationary status can answer negatively if they are asked if they have been subject to official discipline while enrolled in any Institute program. It is important to note that discipline is cumulative at the Institute and further infractions following the successful conclusion of the probationary period may still result in more severe outcomes.

## **2. Official Forms of Discipline**

### **a. Letter of Official Discipline**

Students may receive a letter of official discipline when their actions have demonstrated disregard for the Institute's policies such that an additional infraction of Institute policy will most likely result in suspension from the Institute. A letter of official discipline is intended to encourage immediate improved behavior and acceptance of responsibility and growth by establishing this incident on the student's permanent record.

Letters of official discipline are a permanent part of the student's official record. Students who receive a letter of official discipline must answer affirmatively if they are asked whether they have been subject to official discipline while enrolled in any Institute program.

### **b. Suspension**

Suspension is issued when a student commits a serious policy violation, or repeatedly violates Institute policy, thereby demonstrating an inability or unwillingness to behave in a manner consistent with Institute principles. The behavior is sufficiently egregious that the student is required to leave the Institute community for a period of time. It is intended to encourage acceptance of responsibility and growth by establishing this incident on the student's permanent record; to provide the student with an opportunity to consider and address the problematic behavior; and to develop strategies to ensure that the student's eventual return to the Institute will be successful for the student, for the individuals affected by the student's actions, and for the community.

Suspension may be imposed for any length of time, but is normally imposed for a period no longer than one academic year. In determining the length of suspension, the sanctioning authority will consider the student's prior conduct history; the gravity of the violation and its impact on the community; the needs of the



complainant/affected party; and the need for sufficient time for the student to demonstrate that the concerning behavior has been satisfactorily addressed. When the sanctioning authority feels that suspension for one academic year is insufficient to allow for a student's successful return to the community, expulsion will be the normal outcome, barring exceptional circumstances.

Students who are suspended for four weeks or longer who wish to return to or be reinstated at the Institute must apply for readmission or reinstatement. Students must apply through the dean of their school/ program. All applicants for readmission or reinstatement after suspension must demonstrate readiness to return to the Institute. Readiness to return is determined by a student's adherence to the terms of the sanction and the deadlines of the readmission process; by the completion of any additional conditions that may have been established at the time of the student's departure; and by the provision of satisfactory evidence that the problematic behavior will not recur. If a student is unable to demonstrate readiness to return at the stated conclusion of the period of suspension, the appropriate supervisory authority may deny readmission or reinstatement until it is satisfied that the conditions that led to the student's departure have been appropriately addressed.

Suspension is a form of official discipline and is a permanent part of the student's record. Students who are suspended must answer affirmatively if they are asked whether they have been subject to official discipline while enrolled in any Institute program. Students who are suspended must leave campus; are restricted from all Institute-owned or rented properties; and are prohibited from participating in all Institute activities or programs, from employment by the Institute, and from using Institute facilities during the stated period of the suspension. When suspension prohibits students from completing a semester or program they have already begun, the comprehensive fee for that semester or program is not refunded. For international students, suspension may affect immigration status; related questions may be directed to the director of international student and scholar services.

### **c. Expulsion**

For particularly serious offenses, students may be permanently expelled from the Institute. In cases of expulsion from the Institute, no refund of the comprehensive fee or other program fee, as applicable, is made. Expulsion is a form of official discipline and is a permanent part of the student's record. Students who are expelled must answer affirmatively if they are asked whether they have been subject to official discipline while enrolled in any Institute program.

Fines or restitution commensurate with the nature of the offense may also be assigned. The monetary cost of the harm done may be taken into account in assessment of a fine or an order of restitution.

A sanction of suspension or expulsion is ordinarily stayed pending the outcome of any authorized appeal. However, if the judicial authority which imposed this sanction makes a finding that imminent danger to one or more members of the Institute community may exist, suspension or expulsion will take effect immediately regardless of the pendency of an appeal. Please also see the section Institute Initiated Leave of Absence, Emergency Withdrawal, Suspension or Expulsion in the [Student Conduct Policy Overview](#).

## **E. Sanctions for Academic Offenses**

Students found responsible for academic dishonesty offenses are subject to the penalties listed below.

Plagiarism, cheating, or any other type of academic dishonesty violations are normally punishable by suspension. The adjudicating body is responsible for recommending the most appropriate sanction within the parameters noted below with the dean of the relevant school making the final sanction determination.

Students found responsible for academic dishonesty will normally receive an F on the piece of work and/or fail the course in which the offense occurred. The faculty member makes this determination and assigns the grade.

On rare occasions, if compelling reasons exist for not suspending a student found responsible for academic dishonesty, the judicial body may recommend no less than a reprimand and invoke another appropriate sanction.

### **1. Reprimands (Unofficial Discipline)**

A letter of reprimand may be issued when a student demonstrates an inability or unwillingness to abide by our policies and by repeatedly violating Institute policy. A letter of reprimand may also be issued when a student has committed a violation of the Institute policy that has had or may have had a negative impact on an individual or on the community. A reprimand registers strongly the Institute's concern regarding the student's actions and its firm expectations for immediate improved behavior.

A letter of reprimand is informal, unofficial discipline and is not part of the student's official record. Students who receive reprimands can answer negatively if they are asked if they have been subject to official discipline while enrolled in any Institute program. Reprimands are taken into account in determining future disciplinary outcomes and may serve to make further violations of Institute regulations more serious.

### **2. Disciplinary Academic Probation (Official Discipline)**

Disciplinary academic probation is an official form of discipline and is a permanent part of the student's record. Students who receive disciplinary academic probation must answer affirmatively if they are asked if they have been subject to official discipline while enrolled in any Institute program. Disciplinary academic probation extends for the rest of the student's Institute career. A student found guilty of academic dishonesty while on disciplinary academic probation will be suspended at minimum.

### **3. Suspension (Official Discipline)**

Suspension is issued when a student commits a serious policy violation, or repeatedly violates Institute policy, thereby demonstrating an inability or unwillingness to behave in a manner consistent with Institute principles. The behavior is sufficiently egregious that the student is required to leave the Institute community for a period of time. It is intended to encourage acceptance of responsibility and growth by establishing this incident on the student's permanent record; to provide the student with an opportunity to consider and address the problematic behavior; and to develop strategies to ensure that the student's eventual return to the Institute will be successful for the student, for the individuals affected by the student's actions, and for the community.

Suspension may be imposed for any length of time, but is normally imposed for a period no longer than one academic year. In determining the length of suspension, the sanctioning authority will consider the student's prior conduct history; the gravity of the violation and its impact on the community; the needs of the complainant/affected party; and the need for sufficient time for the student to demonstrate that the concerning behavior has been satisfactorily addressed. When the sanctioning authority feels that suspension for one academic year is insufficient to allow for a student's successful return to the community, expulsion will be the normal outcome, barring exceptional circumstances.

Students who are suspended for four weeks or longer who wish to return to or be reinstated at the Institute must apply for readmission or reinstatement. Students must apply through the dean of their school/program. All applicants for readmission or reinstatement after suspension must demonstrate readiness to return to the Institute. Readiness to return is determined by a student's adherence to the terms of the sanction and the deadlines of the readmission process; by the completion of any additional conditions that may have been established at the time of the student's departure; and by the provision of satisfactory evidence that the problematic behavior will not recur. If a student is unable to demonstrate readiness to return at the stated conclusion of the period of suspension, the appropriate supervisory authority may deny readmission or reinstatement until it is satisfied that the conditions that led to the student's departure have been appropriately addressed.

Suspension is a form of official discipline and is a permanent part of the student's record. Students who are suspended must answer affirmatively if they are asked whether they have been subject to official discipline while enrolled in any Institute program. Students who are suspended must leave campus; are restricted from all Institute-owned or rented properties; and are prohibited from participating in all Institute activities or programs, from employment by the Institute, and from using Institute facilities during the stated period of the suspension. When suspension prohibits students from completing a semester or program they have already begun, the comprehensive fee for that semester or program is not refunded. For international students, suspension may affect immigration status; related questions may be directed to the international student advisor in the Office of International Student and Scholar Services.

#### **4. Expulsion (Official Discipline)**

For particularly serious offenses, students may be permanently expelled from the Institute. In cases of expulsion from the Institute, no refund of the comprehensive fee or other program fee, as applicable, is made. Expulsion is a form of official discipline and is a permanent part of the student's record. Students who are expelled must answer affirmatively if they are asked whether they have been subject to official discipline while enrolled in any Institute program.

A sanction of suspension or expulsion is ordinarily stayed pending the outcome of any authorized appeal. However, if the judicial authority which imposed this sanction makes a finding that imminent danger to one or more members of the Institute community may exist, suspension or expulsion will take effect immediately regardless of the pendency of an appeal. Please also see the section Institute Initiated Leave of Absence, Emergency Withdrawal, Suspension or Expulsion in the [Student Conduct Policy Overview](#).

## **F. Appeals Procedures**

Appeals are reviewed by different Institute officials and adjudicators than those who reached the initial decisions.

### **1. Appeals of Conduct Judicial Board Outcomes**

A student found responsible by the Conduct Judicial Board of violating MIIS policy has the right of appeal to the VPAA/DOI on one or more of the following grounds:

- discovery of significant new factual material not available to the board with original jurisdiction that could have affected the result; however, prior omission of factual information that the student knew or should reasonably have known about is not a ground for an appeal;
- procedural error where the error prevented fundamental fairness;
- abuse of discretion in the issuance of a sanction, meaning that the board imposed a sanction significantly disproportionate to the offense.

If any of the appeal grounds above are present, the VPAA/DOI or designee, in consultation with other relevant individuals (if needed) may identify the appropriate process for further adjudication. In cases where none of the appeals grounds have been met, the VPAA/DOI may deny the appeal.

### **2. Procedures**

A student found responsible for a Middlebury policy violation by the Conduct Judicial Board, may appeal the decision by submitting a written appeal to the VPAA/DOI within 10 business days of receipt of written notification of the board's decision. The written notification must include evidence and/or arguments they believe support any of the three grounds for appeal listed above, and their explanation of the evidence or arguments.

The VPAA/DOI shall provide a copy of the written appeal to the ADSS, who will provide the records from the case to the VPAA/DOI. The VPAA/DOI may consult with the ADSS and any other relevant individual regarding the appeal as appropriate.

The VPAA/DOI, in consultation with other relevant individuals (if needed) will make a determination whether the grounds for appeal are present, and if so, what kind of reconsideration is appropriate to address them. This may include reconvening the original board, or referring the matter to the Judicial Appeals Board, as appropriate. This may also include but is not limited to a full rehearing; a limited rehearing; or new outcome and/or sanction deliberations. Notification of the VPAA/DOI's decision will be given to the student within 15 business days of receipt by the VPAA/DOI of the complete records in the case, but failure to meet this notification deadline will not invalidate a decision.

Upon notice from the VPAA/DOI that reconsideration of some kind has been granted, the administrative co-chair of the Judicial Appeals Board will convene the Judicial Appeals Board. It is the responsibility of the VPAA/DOI, in consultation with other relevant individuals (if needed) to determine which aspects of the case merit reconsideration and what procedures should be followed, and to direct the Judicial Appeals Board accordingly. When a full or limited rehearing has been granted, notice will be given to those involved of the date, time, and place of rehearing, which shall be held within ten business days of the notice that the rehearing has been granted, absent exigent circumstances.

For periods of the academic year when MIIS is not in regular session, dates for addressing judicial matters will be scheduled at the discretion of the ADSS.

### 3. Finality for All Appeals<sup>2</sup>

- If reconsideration is not granted, the original decision stands to take effect as of the date specified in the decision letter.
- All penalties are suspended during an appeal, except in emergency circumstances as discussed above.
- The board hearing an appeal may reverse a decision or mitigate sanctions, but may not increase a sanction.
- Decisions by the VPAA/DOI and the board hearing an appeal are final.

## B.3. Health & Wellness

### The Middlebury Institute Student Health Insurance Plan<sup>2</sup>

**Students at the Institute are required to have insurance.**

Due to the experiential nature of our academic programs and for your personal health and well-being, we require all students enrolled in six or more credit hours during the fall/spring terms or four or more credit hours during the summer term to have health insurance. To meet the Institute's health insurance requirement, you must do one of the following:

- **Enroll** in the [Student Health Insurance Plan](#) offered through JCB Insurance Solutions. Enter "Middlebury Institute of International Studies" and follow the prompts from there.
- **Waive** the [Student Health Insurance Plan](#) by providing proof of existing health insurance that has accident, illness and emergency coverage. In the case of international students, government or socialized health care provided by your home countries is acceptable, provided that it covers you in the United States. Instructions on how to waive are listed below.
  - Waive the plan by clicking on this page: [Student Health Insurance Plan](#)
  - Enter "Middlebury Institute of International Studies." Select the appropriate academic year and select the "MIIS Student Health Insurance Plan (SHIP)" as "what kind of student are you."

- Then scroll down on the new page and find the box that says “Already have insurance?” and click the button that says “Submit waiver here.”
- You will be prompted to make an account - enter your personal information and insurance details. Your “documents” proving the insurance should be front and back scans of your insurance card OR a screenshot of a confirmation email about your insurance if you don’t have a card.

**This step is required each semester** unless selecting the annual option when enrolling; the waiver is annual. The health insurance requirement should be satisfied by 4 p.m. on the first day of classes.

## Fall 2018 - Summer 2019 Plan Information<sup>o</sup>

Download the [plan overview](#).

Download the [plan details](#).

## Other Health Insurance Options<sup>o</sup>

Should you decide to opt out of the Middlebury Institute Student Health Insurance Plan, you must provide proof that you have other health insurance. Students who are opting out of the plan but have not yet obtained private insurance must do so before 4:00 p.m. on the first day of classes.

If enrolling in health insurance is a new experience for you, we suggest doing some general research about U.S. health insurance first.

- [Health Insurance 101](#)
- [5 minute health insurance video overview](#)
- Health Insurance information and [options for college students](#), specifically

The following are helpful links for obtaining private health insurance:

### [HealthPlanOne](#)

Online health insurance marketplace for individuals, families, and small groups/businesses. It also serves as an educational resource for all healthcare topics. They do not endorse one specific policy. Instead, they educate students on their options, both while currently enrolled and after they graduate.

### [EHealthInsurance.com](#)

Online tool for finding health insurance.

### [Covered California](#)

Online tool for finding and comparing different health insurance plans in California; open to California residents and those who have recently relocated to California. [Learn more with this short video.](#)

This site also includes information for [Medi-Cal](#) which is free or low-cost health coverage for children and adults with limited income and resources.

Learn more about general enrollment and special enrollment in a Covered California health plan [here](#). Note: the process for enrolling in a Covered California plan can take time, and we suggest looking into your options as soon as you decide to enroll at the Institute.

### [Med Secure Intl. LLC](#)

Offers international health/travel insurance for students, scholars, expatriates, missionaries, boaters, and businesses. Owned by a Middlebury Institute alum.

### [ISO](#)

Insurance for international students.

### [ISP](#)

Insurance for international students.

## B.4. Student Clubs and Organizations

- [B.4.a. Start a Club](#)
- [B.4.b. Club Funding](#)
- [B.4.c. Event Identification Policy](#)
- [B.4.d. Alcohol Policy \(serving alcohol at events\)](#)
- [B.4.e. Guest Policy for Events](#)
- [B.4.f. Food and Beverage Policy](#)

### B.4.a. Start a Club

The Student Council and the Office of Student Services encourage student clubs and activities that promote the mission of the Institute.

If you are interested in starting a student club or organization at the Institute, everything you need to know about the process is included on this page. If you have any additional questions, please contact the [Office of Student Services](#).

Before filling out the [Student Club Application](#), please read through the guidelines, criteria, and rules for establishing a club below.

#### How to Start a Club

The following steps are mandatory for **all clubs (new or continuing)** at the beginning of the fall semester and **new clubs** at the beginning of the spring semester:

1. Review the club membership guidelines and student club criteria (below) and identify a club president and treasurer (club officers).
2. Participate in the [Club and Community Resource Fair](#) to recruit \_at least \_10 interested members.
3. Once you have participated in the Club Fair and obtained a list of at least 10 interested members, complete the [Student Club Application](#), which includes space to upload your member interest list from the Club Fair.
4. Club officers will be notified by email with confirmation of provisional approval status.
5. The president and vice president of approved clubs will be required to attend a mandatory Club Leader Training.

## Continuing Club Process (Spring Semester)🔗

For clubs that were approved and active during the fall semester and have met all requirements to continue into the spring semester:

1. The club president should submit a [club update form](#)
2. Any new officer who did not attend the mandatory Club Leader Training in the fall must attend the spring Club Leader Training in the spring, date and time TBD.
3. Club officers will be notified of club approval and operational status.

## Criteria for Club Approval🔗

- Mission and activities must adhere to the overall mission of the Institute.
- Club must maintain *at least* 10 active student members.
- Organizational structure must consist of at least two officer positions—one president and one vice president.
- The president and vice president of each club must attend a mandatory Club Leader Training in order to learn how to operate as a club, how funds are allocated to clubs, how to manage club budgets, event planning rules, and more. **Attendance at this orientation is required for final club approval status.**
- Clubs must fit into one or more of the following categories:
  - Academic
  - Awareness and Issue-Based
  - Culture and Language
  - International and National Organizations
  - Sports and Recreation
- Each club must host a minimum of **two meetings, events or activities**, open to all MIIS students, per semester to remain in good standing. These meetings must be approved through the [club event request system](#). The meetings should be advertised and open to the Institute community.

## Membership Guidelines🔗

- Student clubs are defined as organizations whose membership is made up of Middlebury Institute students and whose activities are open to Institute students—irrespective of their academic divisions. Membership in student clubs may also include Institute staff, faculty, and alumni. However, staff, faculty, or alumni cannot be in a leadership role.
- Student club members must be registered Institute students and must have paid the current academic year's student activity fee.
- Student clubs must have an active membership of at least 10 students.
- All clubs must have a president and a treasurer that are identified to Student Services prior to the mandatory Club Leader Training. The two students in these roles must actively hold their positions throughout the entire semester.
- Clubs are not required to have a faculty or staff adviser. However, if a club chooses to do so, the name of the club advisor must be provided to the Office of Student Services at the beginning of the term.

## Additional Rules and Guidelines🔗

- Clubs will be approved at the beginning of the fall and spring terms, after the mandatory Club Leader Training.



- Club applications will be reviewed and approved by the Assistant Dean of Student Life.
- Clubs that have existed and followed the rules in previous semesters will receive priority screening for approval as long as they have met the requirements and have submitted the application by the due date.

## B.4.b. Club Funding

Student clubs may qualify for Student Council funding. See below for funding guidelines.

### Guidelines for Club Funding

Student clubs are eligible to receive funding from the Student Council on an ad hoc basis. Student clubs must complete the [Funding Request](#) form in order to request club funding from the Student Council. Only approved clubs will be considered for Student Council funding.

### Budget Procedures Information

- Funding may be granted by the Student Council for all, some, or none of the requested amount.
- Student clubs should be prepared to meet some of their costs either by [fundraising](#) or by charging the participants fees, if necessary.
- Student clubs are accountable for how they spend funds received from the Student Council.
  - Funds allocated by the Student Council may not be sent to other organizations as donations, nor may they be used for activities not approved by the Student Council.
- Funds may be spent only for the activities and materials approved by the Student Council. Spending for non-approved purposes may result in reimbursement refusal.
- Clubs must follow the procedures for reimbursement and revenue. Contact the [Office of Student Services](#) for assistance.
- The Student Council will not fund meals at expensive restaurants, costly equipment, luxury goods, elaborate parties, or activities that benefit only a small number of students.
- If a club wishes to challenge a decision of the Student Council, the club treasurer must attend a Student Council General Session meeting and present the budget request. Should a motion be made to reconsider the decision of the Student Council, it must pass by a two-thirds majority vote of the Student Council.
  - Inclusion on the meeting agenda should be arranged in advance by submitting an [Agenda Request Form](#).
- Funds allocated to a club from the SC will be processed through the Student Council account. Funds will never be transferred to an outside bank account.
- Additionally, approved student clubs are not permitted to maintain independent bank accounts. All monies, whether allocated from the Student Council or those raised by the club, must be processed through the Student Council bank account. Generally funds will not be transferred to a separate budget account.
- If a club plans to host a forum or conference, make sure to read through the [Forum Funding](#) policies and procedures.

### Fundraising

Student groups may be allowed to fundraise to defray costs of a limited number of special Institute-approved projects. The [Office of Student Services](#) gives approval to student organizations to raise money on campus, and the [Office of Advancement](#) approves all off-campus fundraising initiatives.

### Eligibility



Only groups that are recognized by the Student Council and the Office of Student Services may engage in any fundraising activities. Fundraising on the Institute's behalf (or use of the Institute's Federal Tax ID number) without express authorization of Student Services and the Advancement Office is a violation of this policy.

## On-Campus Fundraising Ideas

- Raffles (50/50)
- Selling T-shirts
- Silent Auction
- Events/Concerts
- Donations

## General Guidelines

### Groups must do the following:

- Have all requests for fundraising activities reviewed by the Assistant Dean of Student Life and Engagement or the Associate Dean of Student Services.
- Have all requests for off-campus fundraising activities reviewed by the Office of Institutional Advancement.
- Ensure that funds raised are for Institute-related purposes consistent with the approved mission of the organization and objectives of the fundraising event.
- Fill out the [Off-Campus Funding Request Form](#).

### Groups cannot do the following:

- Solicit donations from alumni or other external constituencies.
- Solicit donations from local merchants without prior approval from the Office of Advancement.
- Solicit donations for the purposes of contributing towards or paying for Institute expenses, including tuition and fees for individual and/or groups of students.
- Directly solicit funds via campus mail or engage in door-to-door solicitation, either on or off campus.
- Maintain an off-campus bank account for fundraising.
- Use Institute directories, lists, or other resources for the purpose of solicitation.

*All funds collected in the name of the group must be turned over to the Office of Student Services for deposit into their Institute account no more than seven days after the event.*

## Forum Funding

Student clubs wishing to host a forum or conference may qualify for forum funding.

## Forum Funding Guidelines

The Student Council encourages the academic, professional, and cultural interests of the Institute's student clubs by supporting those students who wish to host a large-scale event such as a conference or panel. Please read below for more information.

## General Overview

- Support the academic and cultural interests of students by providing thought-provoking and insightful perspectives on international topics.
- Bring together leading experts and professionals to share knowledge and experiences and provide opportunities to network.

- Speakers must be professional/accredited persons to speak or perform at a forum sponsored by Student Council or a club.
- The event should provide interpretation services when available.
- The [Translation and Interpretation](#) programs should be consulted.
- Joint club sponsorship by at least two clubs increases the strength of an application.
- There is no specification made as to whether or not there should be a balanced perspective provided on an issue, but it must be clear on whether this is the case.

## Forum Funding Policies and Process

- **All forum funding proposals must be presented to the Student Council in person at a Student Council General Session meeting at least two weeks prior to the event.** The requesting Club or student must submit an [Agenda Request Form](#) and receive confirmation of attendance at the Student Council meeting.
- Clubs must seek funding from respective programs and departments before applying for forum funds through the Student Council.
- The Student Council will vote on an approved amount to award for each forum. Clubs are strongly encouraged to not provide any financial compensation to speakers.
- If a club is applying for a second forum within the same academic year, priority consideration will be given to those who have not received forum funds. This is not a guarantee for secured funds, but this will be considered.
- Your club may not receive the full funding amount requested.

## B.4.c. Event Identification Policy

- Students must show a California or other state driver's license and their Middlebury Institute ID; if they do not have a California or other state driver's license, a passport and their Middlebury Institute ID can be used for proof of age and to enter a student club or Student Council event.
- Middlebury Institute IDs will confirm student status.
- If alcohol is being served, those 21 and over will receive a hand stamp or bracelet.

## B.4.d. Alcohol Policy (serving alcohol at events)

This policy affords recognized student groups, faculty, and staff the privilege of serving alcohol at certain events. As adults, members of the MIIS community are expected to know and abide by all applicable state and federal laws and MIIS policies and procedures. Hosting a MIIS-sanctioned event is a privilege, not a right. Ensuring the safety of all participants is central to this policy.

This policy applies to all MIIS-sanctioned events both on and off-campus. A "sanctioned" event is one that is officially approved and registered under the auspices of a student club, Student Council or Institute department and one where student club, Student Council, department or institutional funding may be used to support the event.

## Sanctioned Events

- Are requested through the Office of Student Services for student events or through the Vice President's Office for department/institutional events.
- The scheduling form clearly indicates that alcohol will be served.

- For on-campus events, the Vice President's Office has informed Campus Security that an event involving alcohol has been scheduled.
- When alcohol is allowed, it can be served for a maximum of two hours. This would be an approved, predetermined time.

## On-Campus Events

- Alcohol is limited to beer and wine—no hard alcohol, no exceptions.
- No alcohol from the outside will be allowed to be brought into on-campus Institute events by attendees.
- Regardless of the size of the event, alcohol must be served (not self-service) by an individual who is of legal age to serve alcohol (21 and over in the state of California).
- Biodegradable cups will be provided by the event organizers for all events. The standard cup size will be nine ounces, with a six-ounce pour of wine or beer. Attendees are encouraged to re-use cups throughout the entire event to reduce the amount of waste. No cups from the outside will be allowed. Only one cup will be provided per guest, per event.

## Off-Campus Events

No alcohol will be allowed at MIIS-sanctioned off-campus events unless the event is held at a legitimate commercial entity (e.g., restaurant, bar, lounge).

## Responsible Contact

At least one person from the sponsoring group must be designated as the **Responsible Contact** for an event. Responsible Contacts will be sober and not consume alcohol immediately prior to or during the event.

### Responsibilities:

- Responsible Contacts are responsible for overseeing and facilitating the safety of the event and the implementation of this policy.
- Responsible Contacts must be present for the entire event.
- Responsible Contacts are to introduce themselves to Campus Security and serve as the point persons.
- Responsible Contacts, **with the assistance of Campus Security as needed**, must be able to shut down an event if this policy is not being followed or if other problems arise.
- Responsible Contacts will ensure food and nonalcoholic beverages will be provided at all events where alcohol is served and will be free and displayed in an attractive and easily accessible manner. Water should be one of the nonalcoholic beverages provided. The food and nonalcoholic beverages should be replenished several times throughout the program so that they are constantly available.
- If the Responsible Contact is uncomfortable or unable to manage an issue, (s)he should contact Campus Security immediately for assistance. If the event is off-campus, the Responsible Contact should contact the appropriate person on site (manager, owner, etc.) to assist with any issues.
- Any violations of this policy that arise at either on- and/or off-campus events should be reported to the following:
  - Student club and Student Council events: [Alisyn Gruener](#) (Assistant Dean of Student Life and Engagement)
  - Institutional/Departmental events: [Barbara Burke](#) ([blburke@miis.edu](mailto:blburke@miis.edu)) or the appropriate Dean

Regardless of the size of the event, students and any other attendees who appear to be below the age of thirty must be required to show legal proof of age (a valid drivers license, state-issued liquor identification card, or passport) plus a MIIS ID, if applicable.

Alcohol may not be served to individuals who appear to be [intoxicated](#). In addition, prudence dictates limiting the number of servings of alcohol per person. The consumption of more than one serving of alcohol during the course of one hour may lead to a blood alcohol concentration greater than the legal limit for driving in

California. Note: because many of the Institute's events take place in the hour before the end of the work day, we need to be especially conscious of this issue.

Alcohol is prohibited in classrooms, as part of scheduled classes, and workshops. This includes semester-end parties, etc.

## Approved Events

Alcohol is approved for serving at the following sanctioned events:

- Vice Presidential and Institutional Advancement events
- GSIPM, GSTILE, nondegree programs, and center events
- Student Council social hours
- Student Services events
- CACS networking receptions
- Commencement receptions
- Alumni receptions
- Receptions for large student club conferences, including but not limited to the following:
  - Trade Conference
  - Conflict Resolution Association
  - SEGP
  - International Bazaar
  - Student Council commencement graduates' reception (two per year)
  - Others as determined by associate dean of Student Services or assistant dean of Student Life and Engagement

All other receptions/events will be approved for nonalcoholic beverages only on a case-by-case basis.

## Beverage Guidelines

The quantity of alcohol purchased for events will align with guidelines below.

- One 750ml bottle of wine or sparkling water can serve four glasses based on an average six-ounce pour. Bottles of wine should be split evenly between white and red. A keg of beer contains 165 servings of beer, and pony kegs contain 82.5 servings. A 12 oz. can of soda contains 1.5 servings.
- Based on a standard two hour reception, for every 50 attendees, assume that 40 guests will consume alcohol and 10 will consume non-alcoholic beverages. Suggested purchase for the event is nine bottles of red wine (36 glasses), nine bottles of white wine (36 glasses), one case of beer (24 bottles), and four large bottles of sparkling water (16 servings), one diet soda six-pack (nine servings), one soda six-pack (nine servings), and still water.
- Provide enough beverages so that each guest may have two servings during the event. It is ideal if you can assess the overall demographics of the attendees and history of the group in order to estimate the amounts of beverages that will be consumed.

## Additional Policy Specific to Student Council and Student Club Events

Permission to serve alcohol at a club event is a privilege, not a right. The following rules must be observed when hosting an event that has been approved for alcohol service.

- The permission for distribution of alcohol at club events is at the discretion of the Assistant Dean of Student Life and Engagement or designated Student Services staff.
- Club events approved to serve alcohol are restricted to members of the MIIS community (students, faculty, and staff), up to two guests per student, faculty, and staff, and approved non-MIIS invitees.

- If alcohol is served no admission fee may be charged and no charge or donation for alcohol can be requested or made.
- Club members must ID students, guests, faculty, and staff who are attending a club event where alcohol is being served to ensure that alcoholic beverages are not served to persons under the legal drinking age (21).
- The sale of goods for the purpose of admission, the raising of funds, or the exchange of money of any kind at an event where alcohol is being served is not permitted. This constitutes the sale of alcohol, which is against the law without an issued license.
- The host and/or server could have personal liability if someone is knowingly over-served and is injured or injures someone else.
- The sponsoring group will be held accountable for any and all violations of this policy.
- Sanctions for a violation may include, but are not limited to, loss of space reservation privileges, loss of student group recognition or club status, or fines for property damage.

## Beverage Guidelines

There are 25.4 ounces in a standard 750ml bottle of wine so you can typically get four to five glasses of wine per bottle depending upon how large of a pour per glass you are doing. A standard pour at a restaurant is just about 6 oz. In order to make your wine go further, you can pour smaller 4 oz. servings and get six servings per bottle. A bottle of champagne will serve five glasses per bottle if you have a typical 4 oz. pour.

There are 15.5 gallons (1984 ounces) in a U.S. keg of beer also known as a half-barrel. A typical serving of beer is 12 oz. so you would be able to get 165 servings from a keg. If you want to serve larger 16-ounce pints, you would only get 124 servings. There are 7.75 gallons (992 ounces) in a U.S. pony keg also known as a quarter keg. You would be able to get 82.5 servings of beer if each serving is 12 ounces. Keep in mind standards for European kegs are different from U.S. kegs.

One liter of water will serve four guests. A 12 oz. can of soda serves 1.5 glasses based on an 8 oz. serving.

As a general guideline, guests will consume 1.5 glasses of beverages during the first hour of an event and one drink during subsequent hours. If you are having a reception lasting two hours, estimating two to three beverages per person will be sufficient and ensure you will not run out. If you are having a reception followed by a dinner, you can estimate one drink during the reception and two glasses during the dinner. It can be difficult to determine the amounts of each type of beverage as each group and each event is different. The more choices you provide, the more complicated estimating becomes. Generally, 80 percent of guests will drink alcohol and 20 percent will select a nonalcoholic beverage. For those partaking in an alcoholic beverage, generally 80 percent will select wine and 20 percent beer. Example, if you planning a two-hour reception for 100 guests, you can estimate that 80 guests will select an alcoholic beverage and 20 guests will select a nonalcoholic beverage. Assume 60 guests will drink wine, 20 will drink beer, and 20 will have water/soda. It would be wise to purchase 1.5 cases of red wine (72 glasses of red) and 1.5 cases of white wine (72 glasses of white), which will give you 36 bottles equivalent to 144 glasses allowing each of the 60 guests to have two to three glasses of wine during the event. Two cases of beer (equivalent to 48 bottles) are sufficient to serve 20 guests. Eight bottles of sparkling water is recommended (32 servings), along with two 12-packs of soda (one diet 18 servings and one regular 18 servings). The above example gives you a total of 260 servings (68 nonalcoholic and 192 alcoholic servings).

It is ideal if you can assess the overall demographics of the attendees in order to estimate the amounts of beverages that will be consumed (e.g., younger group of men may consume a higher quantity of beer than an older group of women.) However, never plan to over-serve any guest alcohol. As noted in the above guidelines, you cannot serve guests who appear to be intoxicated. The nature of the event should also be considered (is it happy hour or dinner?) and time of year (more red wine is consumed in the winter). If the history of the group is available, that will be ideal when estimating amounts of beverages. Generally speaking, white wine tends to be more popular than red wine; however, again it depends upon the guests' preferences, which can be difficult to assess in advance. If in doubt, it is safe to do a split of red and white.

(Assistant Dean of Student Life and Engagement)

## B.4.e. Guest Policy for Events

- Each MIIS student will be permitted to bring up to two non-MIIS ID holder guests to events where alcohol is being served.
- Guests must be accompanied by a current MIIS student or alum to enter the event.
- MIIS student confirms their status with their MIIS ID.
- Guest confirms their status with a government issued ID.
- If an event has been approved for non-MIIS guests and alcohol service, a guest list must be created by event organizers and used at check-in.
- All guests on the guest list must show government issued ID in order to consume alcohol during the event.
- Student volunteers responsible for check-in will record each student's name and the names of their guest(s).
- Names of guests must be submitted to the [Office of Student Services](#) in person or via email once the event has concluded.

## B.4.f. Food and Beverage Policy

Food and beverages are permitted to be served at all club events. However, approval is required, and some on-campus locations may have restrictions regarding the consumption of food and beverages on the premises. Questions regarding campus policies can be directed to Room Reservations.

The club hosting the event is responsible for providing its own utensils, tablecloths, and napkins.

## C. Faculty Handbook

Please choose from the following content:↻

- [C.1. Introduction](#)
- [C.2. Administrative Roles](#)
- [C.3. Faculty Roles](#)
- [C.4. Faculty Organization and Governance](#)
- [C.5. Policies and Procedures for Members of the Faculty](#)
- [C.6. Evaluation of the Faculty](#)
- [C.7. Separation from the Institute](#)
- [C.8. Other Faculty Matters](#)
- [Appendix A: Faculty Evaluation Schedule](#)
- [Appendix B: AAUP Guidelines](#)
- [Appendix C: Faculty Evaluation Calendar by Semester](#)

## C.1. Introduction

### C.1.a. Purpose

The purpose of this Faculty Handbook is to define faculty relationships within the academic community of the Middlebury Institute of International Studies at Monterey (hereafter "the Institute"). In particular, it sets forth the responsibilities, duties, and roles of the faculty, and the means by which the faculty as a body, through its committees, through its program chairs, and individually, participate in the governance process, the formulation and administration of academic policies, and personnel actions involving the employment of faculty members.

The working definition of faculty governance for the Institute can be found in the Preamble under Faculty Handbook Section C.4.

Portions of [Section 1. Middlebury-Wide Policies](#) also provide information that applies to faculty members.

The terms of employment of faculty members are determined by reference to the written letter of faculty appointment to the faculty member (which normally states a specific period of appointment); the Faculty Handbook; and those sections of Employee Handbook that apply to faculty. These terms are continued with each new letter of appointment received at the time of contract renewals.

This Faculty Handbook is the result of consultation among the Faculty Senate; the Faculty Assembly; administrative leadership, including deans and associate deans, the vice president for academic affairs and dean of the Institute (VPAA), the Middlebury provost and president, the Institute Board of Advisors, and the Middlebury Board of Trustees. This version of the handbook is considered active, and changes will be archived on an annual basis.

### **C.1.b. Academic Policy-making and Administration**

Academic policies are those relating to the education of students at the Institute. This includes instruction, research, curriculum development, institutional service, professional service, faculty [development and evaluation](#).

Academic policy-making is a shared responsibility, with the various members of the Institute and broader Middlebury communities contributing according to their respective areas of expertise.

Academic policies are subject to ongoing review and updating. They are officially maintained in the Policies and Standards Manual, access to which is provided to all faculty and students through the Institute's Web site found [here](#).

### **C.1.c. Organization of the Institute**

To accomplish its mission, the Institute is organized into two schools, an office for executive and custom programs, and research centers. This Institute is home to Middlebury's English Language School. See the webpage [Organizational Charts and Contacts](#).

### **C.1.d. Research Centers**

The Institute recognizes, encourages, and supports research for the purpose of accomplishing the educational mission of the Institute, enhancing its reputation, and facilitating the professional currency of the faculty. Any research center or project established at the Institute is bound by the laws, regulations, and policies applicable to all staff, faculty, and organizations at the Middlebury Institute. The directors of such centers report to the Vice President for Academic Affairs, and should consult regularly with Institute Deans. Certain research center directors and staff members may have faculty appointments, issued in accordance with the appointment procedures described in this Handbook. Current research centers and projects at the Institute are described on the Institute's website [here](#).

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## **Glossary of Terms**

## Development and Evaluation:

For the purposes of this handbook, evaluation refers to a faculty member's past performance, and is intended to offer both a summative assessment as well as to give formative feedback to inform future faculty development efforts. Evaluation of the faculty serves several Institute objectives, such as assuring and assessing educational effectiveness, providing performance feedback, developing faculty expertise, improving classroom performance, maintaining fairness, and documenting the basis for employment decisions. For the purposes of this handbook, development refers to the increase in capacity for a faculty member's future performance. A hallmark of professionals is that they also continually develop and update their knowledge and skills. Intentional, ongoing professional development is expected of all Institute faculty.

## C.2. Administrative Roles

As a graduate school of Middlebury, the administration of the Institute operates within the larger Middlebury administrative structure. The academic administration of the Institute resides within the purview of the provost, who is the chief academic officer of Middlebury. The provost is charged with providing strategic and operational leadership and with ensuring the quality and integrity of all its academic programs and initiatives, including those of the Middlebury Institute of International Studies. In that capacity, the provost is involved in decision-making broadly across academic, financial, and operational spheres for the Institute.

This section describes the major administrative roles at the Institute and outlines the relationship and responsibilities of the Faculty with respect to each.

### C.2.a. Vice President for Academic Affairs and Dean of the Institute (VPAA)

The VPAA is responsible for the overall management of the business and academic affairs of the Institute, including support in instruction, research, and development. In the exercise of the duties of the office, the VPAA meets with Faculty Senate or Faculty Senate leadership when requested, as well as consulting with faculty representatives through the Institute Leadership Group, Council of Program Chairs, appropriate faculty committees, and the relevant deans. [1]

The VPAA shall organize all-faculty meetings or campus town halls as appropriate to engage the full faculty in dialogue. Additionally, the Faculty Senate may invite the VPAA to make a presentation and/or address questions at Faculty Assemblies.

The VPAA is appointed by the president of Middlebury, and reports to the Middlebury provost. The VPAA is the Senior Administrative Officer serving as liaison to the Institute Board of Advisors.

Due process should be followed in the selection of the VPAA. When a new Vice President of Academic Affairs/Dean of the Institute is selected, Institute Faculty have the right to be meaningfully consulted in the selection. Feedback regarding the priorities for hiring and on the actual candidates should be gathered from the Faculty Assembly through a process designed and administered by the Faculty Senate, in conjunction with the current MIIS Council.

As part of the process by which the VPAA is evaluated, the faculty should be consulted annually.

The VPAA directs the activities of other members of the staff, sees that the decisions and directives of the Institute Board of Advisors and the Middlebury Board of Trustees are implemented, and performs such other functions as the president and provost of Middlebury and the Institute Board of Advisors may require.

The VPAA appoints senior administrators; deans, associate deans, program chairs, and other academic administrators; as well as regular faculty members.



The VPAA appoints faculty members in accordance with processes described below. Faculty appointments are subject to the approval of the Middlebury Board of Trustees through its consent agenda.

The VPAA, along with the Middlebury provost, oversees the Institute's response to charges of faculty misconduct, including procedures for termination of the appointment of a faculty member, in accordance with the policies of the Faculty Handbook.

Academic staff members are "at will" employees whose positions may be terminated at any time. (See Employee Handbook.)

### Evaluation of the VPAA

Evaluation of the VPAA is conducted by the Provost according to guidelines in the Employee Handbook. The Provost shall coordinate with the Faculty Senate to solicit input from the faculty. The faculty input will be taken into account in the VPAA's evaluations, both formative and summative.

### **C.2.b. Deans**

Deans provide academic leadership and administrative management for the Institute. Deans advocate for programs and research centers, as well as coordinate with other Middlebury administrators on policies and decisions. Deans ensure the effective formulation and implementation of academic policies, curriculum planning and development, budgeting, faculty recruitment and evaluation, and faculty development.

Deans routinely work with the offices of Institutional Advancement and Alumni Relations; Marketing and Recruitment; Admissions, and Financial Aid; the Registrar's Office; the Business Office; the Communications office, and other academic and administrative services, and with the Institute Board of Advisors when necessary or requested.

Deans may serve as liaisons with academic, business, and professional communities, helping to increase the visibility of the Institute as a whole.

Deans may have two appointments if indicated in their appointment letter. First, they may have a regular faculty appointment, the specific term of which is held in abeyance (does not run) while they serve as dean. Second, as administrators, deans report to the VPAA. Their appointment is normally for a scheduled term of three (3) years and is renewable. However, the VPAA has the authority to terminate these administrative appointments at any time prior to the three-year term. On termination of the administrative appointment, the faculty contract, if one is held, resumes and the dean has the option to resume regular faculty status under the faculty contract, unless the VPAA terminates the appointment of a faculty member in accordance with the process defined in this Faculty Handbook based upon conduct in their role as dean.

The relationships between the deans and Institute faculty is an important link between administrators and faculty at the Institute. It is within these relationships that most academic matters are addressed and that the most important step in faculty evaluation takes place. A basic principle in the governance of the Institute is that deans consult with faculty on a regular basis. Mutual respect and consultation are most critical. One factor in establishing and maintaining this relationship is the active participation of faculty in the selection and evaluation of deans.

### *Selection of Deans*

When a dean position becomes open, a search committee shall be formed, composed of the VPAA and, three or four regular faculty members representing a range of programs. The search committee shall actively seek input from students and relevant staff and be trained on diversity, equity, and inclusion. This committee shall normally conduct an international search.

The committee shall approve the interviewing of at least three (3) finalists recommended by the committee. These candidates shall be interviewed by the search committee, Institute faculty, the other deans, staff representatives, and student representatives.

The search committee shall gather and summarize comments on each candidate and create a ranked list of finalists from whom the VPAA makes the final selection.

### *Evaluation of Deans*

Evaluation of the deans is conducted by the VPAA according to guidelines in the Employee Handbook. The VPAA shall coordinate with the Faculty Senate to solicit input from the faculty. The faculty input will be taken into account in the deans' evaluations, both formative and summative.

## **C.2.c. Program Chairs**

Program chairs are uniquely situated at the intersection of faculty and governance and administration. It is important that individuals in these roles are able to work well with both the faculty in their programs and with the deans. Therefore, it is essential that the appointment of program chairs be a *collaborative and consultative process* (a) The Dean of Teaching, Learning, and Faculty Development develops a formal process for gathering nominations from the full-time and visiting faculty members of the program to be chaired. (b) The Dean must then solicit faculty input on the nominations either through in-person conversations or through an online survey. Those who are nominated will be invited to share their vision of program development and management. (c) The aim would be to achieve consensus among faculty members in a program (d) Final decisions will be made by the VPAA taking into consideration the recommendation of the Dean as well as input from the program faculty and any other relevant stakeholders. Program chairs should serve a maximum of two three-year terms, in order to share the load and to give multiple faculty a chance to lead. Program Chairs are appointed by the VPAA and report to the Dean of Teaching, Learning, and Faculty Development with an initial appointment of one three-year term, with the possibility of a single second term extension. A third term should only be granted if that faculty member is the only willing candidate and there is consensus among program faculty. In order for their appointment to be extended for each additional term, the Dean must confidentially consult all faculty in the program. The VPAA in conjunction with the Dean shall retain the discretion for early termination of the appointment of the chair of the program.

The Dean of Teaching, Learning, and Faculty Development is responsible for evaluating the program chairs on an annual basis, drawing on feedback from the faculty. The Faculty Senate shall establish the procedures used to formatively evaluate program chairs, based on the description of duties developed by each program. Evaluations emanating from this process shall be forwarded to the dean, with the program chair being given an opportunity to respond. This process of gathering input shall be completed by April 30 annually. The Senate maintains the formative evaluation form, and if changes are felt necessary by the dean or the faculty, the Senate will make such changes based on faculty input. The Dean distributes the formative evaluation, receives the results, and reviews the results with the program chair.

## **C.2.d. Language-program-specific administrators**

Deans may appoint, in coordination with program faculty and especially program chairs, language-program-specific administrators within more complex programs.

### **1. Role of Language Program Head in T&I**

In Translation and Interpretation, the Language-specific Program Head (PH) is responsible for staffing his/her program with qualified professors. The PH, in coordination with the T&I Program Chair, will select candidates for an open position, interview the candidates and then make a recommendation to the Dean of Teaching, Learning, and Faculty Development. The PH is also responsible for the schedule each semester and coordinates with the PHs in the other T&I language programs. The PH is also the mediator between students and a faculty

member and only escalates an issue to the T&I Program Chair and/or Associate Dean if it cannot be solved by the PH. The PH keeps records of interim evaluations for every student. The PH is responsible for the grading of the (Language Skills Tests for entrance into the program and will contact the applicant after an applicant passes this early diagnostic test. The PH stays in contact with the applicant and is available for any questions pertaining to the course of study. The PH serves as academic advisor for all students in the Translation, Translation & Interpretation, and Conference Interpretation programs in their language and as a supplementary advisor to localization management students with a translation specialization. The PH meets once a month with the PHs of the other language programs to coordinate any efforts. The PH is actively involved in recruiting students for the program.

## 2. Role of Language Studies Program Heads

The Language Studies Program Heads play a key role in supporting students' learning and providing the necessary support to the language instructors. Each language has its own Program Head whose job is to arrange the schedule for each semester and supervise the placement test for incoming students. The Program Head's responsibilities also include the organization of the co-curricular activities and the academic advising for students who plan to study abroad, attend immersive language programs, or complete the Language Studies for Professional Purposes (LSPP) specialization. The Program Head provides regular program updates to colleagues and meets with them once a month to discuss various pedagogical issues and ways to improve the curriculum and assessment within the language program. In addition, the Program Head works as the liaison between the specific language unit and the other language programs within the Language Studies Department. Each Program Head attends the monthly LS meeting as well as any additional PH meetings called by the Language Studies Program Chair. Besides these tasks, the LS Program Heads respond to inquiries about the specific language they represent and provide information about the academic component of the program. LS Program Heads also play a key role in recruiting students for the Institute, much of which is done via language departments at various partner schools. LS Program Heads also supervise the Teaching Assistants and provide the necessary training for them.

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**[1] INSTITUTE COUNCIL** The VPAA, along with the three academic deans, and other administrators the VPAA may select, constitute the Institute Council. While an executive administrative body, the Council should consider input generated or collected by the Faculty Senate on Council decisions related to the academic program of MIIS, and decisions on faculty appointment and evaluation. **INSTITUTE LEADERSHIP GROUP** The Institute Leadership Group, convened by the VPAA, is a consultative body for decisions which affect the operations of the Institute. Faculty are represented on the ILG by the Faculty Senate President, President-Elect, and Past President; the Faculty representative to the Institute Board of Advisors; and the chair of the Academic Policies, Standards, and Instruction Committee.🔗

## C.3. Faculty Roles

As the primary contact point for students at the Institute, faculty members, as teachers, have important responsibilities. Teaching is neither restricted to a narrow subject area nor limited to the classroom; it extends to every student contact and often into the community. Each faculty member should recognize her/his responsibility for campus morale and for the total school experience of the students. Faculty should also become appropriately involved in the promotion and overall development of the Institute, when called upon to do so and in accordance with their schedules and duties.

### C.3.a. Curricula and degree programs

Faculty in each degree and non-degree program have the primary role in determining degree requirements, but this must follow the [curricular change process](#), which ensures consultation with all affected parties.

### C.3.b. Professional development

In a professional graduate school, the professional currency of the faculty is critical to effective teaching, research, academic advising, recruiting of quality students, development activities, and the ability to assist students in their career planning.

The Institute is committed to the principle of professional faculty development, especially in support of effective teaching.

The development of faculty teaching and research capabilities is the joint responsibility of the administration and faculty.

The Dean of Teaching, Learning, and Faculty Development shall develop and implement specific plans for faculty development, to include a budget and a process for allocating such resources. Policies shall address, but shall not be limited to: teaching load; release time for research, administration, and curriculum development; sabbaticals; academic leaves of absence; travel for faculty development and/or conference participation; study for advanced degrees; programs and study to advance the quality of teaching; and awards for research and teaching.

### **C.3.c. Faculty Involvement in Educational Support**

Certain support functions can have a major impact on the ability of the faculty to accomplish the educational mission of the Institute successfully. Faculty therefore advise and participate in activities including but not limited to:

- consulting with enrollment management to best support them in their efforts to attract students;
- development and maintenance of facilities for teaching, learning, and research, including classrooms, the library, computer labs, interpreting labs and audio-visual equipment;
- selection, acquisition, and deployment of specific resources in instructional technology;
- institutional advancement and fundraising;
- framing and execution of strategic plans;
- development and administration of the process by which faculty are selected, appointed, evaluated and terminated;
- involvement in the process by which resources are allocated.

### **C.3.d. Academic Freedom and Intellectual Contribution**

The Middlebury Institute of International Studies at Monterey is a graduate school of Middlebury, a private, independent educational institution owing allegiance to no party, sect, or interest group. Its overall goal is the promotion of intellectual inquiry and search for improved means of understanding and communication among peoples through free expression.

Recognizing that free inquiry is essential in higher education, the Institute abides by the principles of academic freedom and student rights as advocated by the American Association of University Professors. These principles are contained in [Appendix B](#).

## **C.4. Faculty Organization and Governance**

### **What is Faculty Governance?**

In this Faculty Handbook we employ a definition of Faculty Governance at the Middlebury Institute based largely on the one proposed by the National Education Association, which has been adopted by many institutions of higher education in the United States:[1]

The term “Faculty Governance” is commonly used to describe a distinct feature of academic governance, which itself is a unique aspect of the governance culture in academia. Faculty governance is derived, even embedded, in the ethos of “academic freedom,” arguably a fundamental value and pillar of all academic life. Commitment to faculty governance is founded on the idea that the search for knowledge/truth is the essence of the academic mission and thus faculty, as the experts in teaching and scholarship, must have input in the core decisions of the institution

While academia is a hierarchical system, it is also a system that -- at least in certain areas, particularly in curriculum, professional evaluation, and development -- is built on peer faculty judgement. The faculty, as a collective body and individuals, has a unique and major role in some aspects of the academic decision-making process.

Hence, in academia the practice of governance is a *shared* activity between administration and faculty. Shared governance is essential to protecting academic freedom, the advancement of knowledge, and the pursuit of truth.

While those mutually related terms “Faculty Governance” and “Shared Governance” appear fundamental and intuitively straightforward, in practice they are often used as no more than academic clichés, terms devoid of clear and well-defined meanings.

For the purposes of this document, we define “Faculty Shared Governance” as the balance between faculty and administration in academic planning and decision-making processes on the one hand, and administrative responsibility and accountability on the other.[2]

State and federal government and other external agencies have no role in the internal governance of institutions of higher education when they are functioning in accordance with state and federal laws.

### **Approach to Faculty Governance at MIIS**

Shared governance at the Middlebury Institute is a joint effort among faculty, staff, administrators, and the governing boards. This relationship should be based on collegiality, accountability, transparency, and mutual respect.

The Middlebury Institute Faculty Senate (including the Senate’s regular faculty standing and ad- hoc committees) and Assembly are the only authorized Institute faculty governance bodies that issue collective recommendations to Institute administration and the Institute/Middlebury governing boards on academic standards and policy, and on faculty status matters. The Senate’s and Assembly’s exact roles, responsibilities, and relationships are spelled out in the policies of this Faculty Handbook. Such governance activity is a regular part of an Institute faculty member's professional duties and should not be construed to confer managerial or supervisory status.

While all legal authority in any institution of higher education originates from its highest governing board, which means that the legal right and fiduciary obligation to exercise authority is vested in -- and flows from -- its board and delegated further to lower administrative levels, at each decision level there should be a role for faculty engagement. That role could be divided to three distinct categories: primary decision-making responsibility, meaningful consultation, and being adequately and systematically informed.[3]

Faculty members at MIIS, through their program chairs and through the Senate and its committees, have shared [i.e., joint] decision-making responsibility regarding the following areas:

1. Determine the curriculum, subject matter, methods of instruction, and other matters of academic standards and processes.
2. Establish the requirements for earning MIIS degrees and certificates and authorize the administration and governing board to grant same.
3. Exercise primary responsibility for determining the status of faculty colleagues, especially appointment, contract renewal, and promotion.

4. Establish procedures for awarding promotions, sabbaticals, research support, and other rewards or perquisites.

If, for any reason, the Middlebury Institute administrators and/or the Middlebury governing boards should fail to accept the faculty's recommendations in these areas, the faculty should have the right to appeal a decision it considers flawed. Details on the appeal process on annual review, contract renewal, promotion and sabbatical and other grievances are spelled out in the Faculty handbook.

While relevant administrators at MIIS and in Middlebury possess primary decision-making responsibility, Institute faculty members should, via meaningful consultation, participate in decision-making in the following areas:<sup>4</sup>

1. Decisions about the future of the Institute, particularly in matters of personnel restructuring and strategic planning.
2. Selecting and evaluating administrators, particularly but not exclusive to deans.
3. Launching, resizing, or closing a degree or non-degree academic programs.
4. Master planning for campus facilities and grounds.
5. Decisions about policies and procedures governing salary structure, pay increases, and benefit programs.
6. Decisions about MIIS budget, making recommendations on financial issues with implications for academic programs, in the short- and long-term.

For all other decision-making matters that do not fall into the categories above, and therefore do not require academic involvement, Institute faculty should be adequately and systematically informed well ahead of execution.

[1] <http://www.nea.org/home/34743.htm>

[2] See Gary A. Olson, "Exactly What Is 'Shared Governance'?", The Chronicle of Higher Education, July 23, 2009 <https://www.chronicle.com/article/Exactly-What-Is-Shared/47065>

[3] The Institute's administrative leadership has adopted the ARCI model – Who is Accountable, Responsible, Consulted, Informed – as its practice for describing the roles of participants in various kinds of decisions.

[4] We define "meaningful" consultation as: (1) sufficient time for consultation with appropriate stakeholders, (2) thorough documentation of the substance of the consultation, and (3) full transparency with the relevant authorized faculty governance bodies. On most occasions the transparency should include all members of the Senate, in other cases where discretion is required, the Senate President and Vice President should be consulted.

#### **C.4.a. Faculty Assembly**

The Faculty Assembly consists of all regular faculty and multi-year visiting faculty (those on a multi-year contract), excluding faculty also serving as the Institute's academic administrators (VPAA, deans, and any associate/assistant deans). Visiting faculty on single-year contracts, research professors, adjunct faculty and professors emeritae/i are not voting members of the Faculty Assembly: they may attend the Assembly and contribute to the discussion but are not eligible to vote.

July 1st will be considered the beginning of the year for governance purposes, when new officers assume their responsibilities, and when handbook changes from the previous year are normally take effect.

The Faculty Assembly shall hold a minimum of two meetings each semester (fall and spring). The meeting held the second week of the fall semester shall be used to review the past year and lay out the objectives for the coming year. Faculty may also be asked by administrators to provide feedback through town halls called by administration. Special meetings of the Faculty Assembly may be called by the Senate president for the purpose set forth in the notice thereof. Such notice shall indicate the time and place of the special meeting. Special meetings of the Faculty Assembly may also be called pursuant to a petition of more than one-fourth (1/4) of the

members of the Faculty Assembly. Such special meetings shall be held at the time and place indicated in the petition.

Voting will be conducted via an electronic polling system whenever practicable. Eligible faculty who attend meetings virtually will count towards the quorum.

Around the end of the Spring Semester, a Senator will be elected to the presidential track, serving first as President-Elect, who will in the first year shadow the current president and assist them in their duties, before becoming President in the second year of their term, and then finally serving as Past-President in their third year. This will ensure that the workload of the Senate leadership is distributed, and that there are opportunities for mentoring prior to an individual assuming the roles and responsibilities of the presidency.

#### **C.4.b. Representative to the Institute Board of Advisors**

The faculty representative to the Board of Advisors is an ex officio member of the Faculty Senate. This representative is voted on by the Faculty Assembly from a pool of self- or other-nominations solicited by the Faculty Senate. This representative normally serves a term of 3 years. Ex officio members must attend meetings when requested to by the Faculty Senate president on behalf of the Senate, and may vote to break a tie. Ex officio members of the Senate can attend Senate meetings more frequently than this, if they desire. Ex officio members may run to be directly elected members of the Senate after their term as ex officio members has expired.

#### **C.4.c. Voting Procedures**

A Faculty Assembly quorum shall consist of fifty percent (50%) of the eligible Faculty Assembly members (regular faculty plus multi-year visitors) plus one member. No votes may take place at a Faculty Assembly meeting without a quorum. In order to maximize participation, the Faculty Senate may take votes using a secret electronic ballot.

The Faculty Assembly shall elect regular faculty members to fill vacancies on the Senate, the Senate leadership track (president-elect/ president/ past-president), Senate, the Faculty Evaluation Committee, and the Academic Policy, Standards and Instruction Committee. Elections will normally be for three-year terms, and confirmed by a simple majority of those voting. Voting shall be by secret ballot.

The Faculty Assembly may, by a simple majority of those voting, designate an issue as “significant,” for the purpose of the Faculty Assembly’s taking up this issue. Any proposed resolutions that involve “significant” issues require a two-thirds majority of the Faculty Assembly voting to pass. Any such resolutions passed shall be binding upon the Faculty Senate.

The Faculty Assembly, by a two-thirds majority vote of all members voting, may vote to reverse previous decisions made by the Assembly.

If there are complaints about the Senate breaching its functions or mandate, these complaints must be brought to the Senate via a Breach of Senate Mandate petition signed by a minimum of one-third of the faculty members who are eligible to vote. The Senate must include discussion of and a vote on this petition as an agenda item at a promptly-scheduled regular or special Faculty Assembly meeting.

#### *Dissolution of the Senate or Recall of Senators*

If the Faculty Assembly agrees by a two-thirds majority vote of those present in the Assembly that such breach requires the dissolution of the Senate, the Faculty Senate will be dissolved.

A caretaker appointed by the meeting of the Assembly will oversee the recruiting of candidates, and an election for a new Senate conducted by secret electronic ballot within 2 weeks of the vote to dissolve the Senate. Individuals on the prior Senate are eligible to run for election again if their time of service has not elapsed.

By the same process, an individual Senator or Senate leader can be recalled. In this case, continuing Senate leadership shall manage the election to fill the vacancy.

#### **C.4.d. Faculty Senate**

The Faculty Senate is the principal representative of the faculty of the Middlebury Institute of International Studies at Monterey.

Except as otherwise provided herein, the Faculty Senate shall have plenary power; that is, complete or full power to make decisions. Despite this power, it is anticipated that, in the usual course of business, Faculty Senate will use its discretion and facilitate Faculty Assembly discussion and voting on issues of importance to the faculty.

The Faculty Senate is composed of the three members of the Senate leadership track and four additional faculty members. Care shall be taken in the nomination process to try to ensure that a wide range of academic programs are represented in the Senate. Only regular faculty with multi-year contracts shall be eligible for election to the Faculty Senate. The term of a senator shall be three (3) years. Terms run from July 1 through June 30 of each year, though summer work is typically limited to urgent needs.

The Faculty Senate may hold closed meetings, at which attendance shall be by invitation only. The Faculty Senate may take action in closed meetings. A quorum shall consist of a majority of the members of the Faculty Senate, participating in person or digitally.

Chairpersons of standing committees serve as ex-officio members of the Faculty Senate. They shall attend Senate meetings when requested to do so. The President-Elect of the Senate shall be the liaison to the chairs of the Faculty Evaluation Committee and Academic Policy, Standards and Instruction Committee, bringing the committees' concerns to the Senate as needed.

The VPAA or Council designee shall meet at least once a term with the Faculty Senate and schedule more frequent meetings with its leadership.

The members of the Senate shall keep faculty regularly apprised of current academic policy issues, and receive feedback from them on matters of concern. On some issues, the Senate may desire to conduct a vote or poll of faculty.

In addition to its other responsibilities, the Faculty Senate:

- nominates and elects retiring faculty members to emeritus status.
- liaises with the leadership of student council.
- liaises with the leadership of the Middlebury Faculty Council.
- may nominate candidates for honorary degrees. For this purpose, the Faculty Senate shall operate under the general principle that honorary degrees are awarded to recognize individuals whose work exemplifies the qualities of intellect, character, and creativity most valued by the Institute; and to acknowledge individual accomplishments, especially academic accomplishments, and general contributions to society. These nominations may be forwarded to the VPAA and the president of Middlebury for consideration.

#### **C.4.e. Senate Officers**

The Senate leadership (President, President-Elect, and Past President), shall divide the leadership duties. Faculty Senate develops and maintains job descriptions for each role, though the leadership may decide by mutual agreement to make adjustments to the division of labor, as long as all required work is completed.

Responsibilities of the Senate leadership include representing faculty at appropriate Middlebury meetings, representing faculty in decisions on distributing faculty development funds, meeting regularly with the VPAA and/or Deans, organizing Senate and Assembly meetings, organizing faculty elections, keeping records of faculty decisions and votes, soliciting faculty input in shared governance, and organizing changes to the Faculty Handbook in consultation with Middlebury's General Counsel and Human Resources representatives as needed.



There shall be a budget for those activities deemed necessary for the effective operation of the Faculty Senate, approved as part of the Institute's normal budget process. The President of the Senate shall receive release time from teaching in agreement with the VPAA of the Institute. As with sabbatical leaves, release time for these positions is dependent on the ability of the school to continue its academic programs given the reduced teaching load of the President of the Senate, and the requisite budgetary support. The Senate president may also request a work-study student for specific projects.

#### **C.4.f. Faculty Committees**

Standing Committees of the Faculty Senate shall include the Faculty Evaluation Committee (FEC) and the Academic Policy, Standards, and Instruction Committee (APSIC). These committees are important elements of faculty governance. They receive instructions from the Faculty Senate, and shall keep the Senate apprised of their work in a timely fashion.

Standing committees shall have the responsibilities and authorities set forth in the committee descriptions below, together with such additional duties and responsibilities as may be assigned them by the Faculty Senate. Committee terms run from July 1 through June 30 of each year, though summer work is typically limited to urgent needs.

A standing committee consists of five faculty members elected by the Faculty Assembly, each with full voting power. Faculty Evaluation Committee members must be regular faculty on multiple-year contracts and shall not be eligible for promotion or contract renewal during their terms of office. The Academic Policy, Standards, and Instruction Committee shall have a student member with full voting power, selected by the Student Council. The VPAA and the registrar are *ex officio* members of the Academic Policy, Standards, and Instruction Committee and attend meetings when necessary.

The term of office for each faculty member serving on a standing committee (i.e. Senate, FEC, APSIC) shall be three years,\* normally with a turnover of approximately one-third (1/3) of the membership on each committee each year. If faculty members are unable to serve out the full 3-year terms on FEC due to an application by these faculty members for contract renewal, sabbatical, or promotion during their 3-year terms, then as an exception, said faculty members may serve a 2-year term on the FEC. In elections, priority for being included on the slate of candidates will go to faculty members who are able to serve 3-year terms. Nominations should be managed to try to ensure a diverse representation of academic programs on the committees.

The Faculty Senate may appoint *ad hoc* committees to help it discharge its functions or to perform periodic functions, and to engage with substantial changes that may affect the nature of the Institute. These may include, but are not limited to:

- Salary and Benefits
- Strategic Planning
- Faculty Development
- Faculty Handbook

#### **C.4.g. Faculty Evaluation Committee**

The Faculty Evaluation Committee shall review all faculty files of faculty applicants for contract renewal, promotion, and sabbatical leave. After ensuring that due process has been observed, the Committee shall make an independent recommendation based on the procedures outlined in this handbook.

The Faculty Evaluation Committee shall review a faculty Annual Review file only when requested to do so by the faculty member in question, or by the Dean of Teaching, Learning, and Faculty Development, or by the VPAA (see page 28).

The Faculty Evaluation Committee may also evaluate and recommend changes to the current systems and policies governing faculty contracts. It also may evaluate and recommend changes to the process of evaluating

faculty performance, with particular attention to any inequities that may arise. Any such recommended changes shall first be approved by the Faculty Senate before forwarding to the Dean of Teaching, Learning, and Faculty Development and the VPAA.

The Faculty Evaluation Committee shall conduct its deliberations in closed meetings. All proceedings of this Committee will respect the privacy of all individuals involved in any evaluation.

#### **C.4.h. Academic Policy, Standards, and Instruction Committee**

The formulation and administration of academic policies at the Middlebury Institute is a shared responsibility of the Institute Board of Advisors, the Middlebury Board of Trustees, the Middlebury provost and president, the VPAA, deans and associate deans, and the faculty.

The Academic Policies, Standards, and Instruction Committee (APSIC) serves as the faculty committee charged with oversight of Part I of the *MIIS Policies and Standards Manual* (PSM). Early in the fall semester, APSIC reviews Part I of the *PSM* in light of its deliberations over the preceding year, recommending changes and amendments to the Faculty Senate and VPAA for action and approval. Those changes and amendments that are approved by the administration are then included in the new edition of the *PSM*, prepared during the summer for distribution to students at the beginning of the fall semester.

In addition, APSIC:

- evaluates and provides recommendations concerning proposed changes to the curriculum;
- ensures compliance with academic policies and procedures;
- deliberates on student grievances and appeals;
- has at least two members serve on any Student Conduct Board dealing with an alleged student violation of academic standards or policies.

APSIC reports its recommendations to the VPAA for action and approval. For all recommendations related to academic programs or policy, the Senate President-Elect should be copied on recommendations in order to keep the Senate informed. In the case of curricular and programmatic proposals requiring further deliberation, APSIC consults further with the proposers before forwarding revised recommendations to the VPAA and Senate. APSIC's primary contact on the Institute Council is the Dean of Academic Innovation.

#### **C.4.i. Salary and Benefits Committee (*ad hoc*)**

Whenever constituted by the Faculty Senate, the primary role of this committee is to review and examine the structure of faculty benefits and salaries and make recommendations to the VPAA. The Committee shall work closely with the Human Resources staff in the discharge of its responsibilities. Specific tasks and responsibilities are assigned at the time of constitution.

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- Faculty members should not serve on the FEC while their own contract renewal, promotion, or sabbatical is being evaluated by the FEC. However, if an insufficient number of faculty members are able to serve on FEC without such a conflict for a full three years, then as an exception, faculty members may, 1. when the issue precluding their service is contract renewal or promotion (during what would otherwise be the third year of their term), run for and serve on the FEC for a term of 2 consecutive years or 2. when the issue precluding their service is an application for sabbatical (to be submitted during the third year of their term), run for and serve a 3-year term, but recuse themselves from deliberations over their own sabbatical applications.

Approved by the Faculty Assembly, May 2018.

## C.5. Policies and Procedures for Members of the Faculty

### C.5.a. Categories of Faculty {#categories}

The **Regular Faculty** of the Middlebury Institute is committed to excellence in teaching, scholarship, and service to the Institute.

A “regular faculty member” is appointed to the rank of professor, associate professor, or assistant professor as a result of a search conducted by a committee comprising current faculty and administrators. During the search process, input from students and alumni may be sought.

A regular faculty member is appointed to a renewable three- or six-year term. A regular faculty member is eligible to apply for sabbaticals and faculty development grants.

A regular faculty member is appointed to either a full- or a part-time schedule each semester, as stipulated in the letter of appointment and performs such additional tasks as are normally expected of faculty at institutions of higher education. In addition to teaching and scholarship/professional engagement, these duties include, but are not limited to, thesis direction and reading; directed study supervision; student advising; attendance at faculty meetings; committee membership and participation in institutional governance.

The regular faculty of the Institute are responsible for teaching, curriculum development, and maintaining professional currency in their fields of expertise. Faculty are also expected to be available to students and colleagues and to comply with any Institutional requirements governing that availability.

**Professors of Professional Practice:** Appointments to the rank of Assistant/ Associate/ full Professor of Professional Practice are made only to practitioners who have developed to the satisfaction of the regular faculty the Dean of Teaching, Learning, and Faculty Development, and VPAA, a high level of expertise in fields of special importance to MIIS academic programs, and who also demonstrate a deep commitment to teaching and professional practice. Professors of Professional Practice shall normally hold at least a Master’s degree. Responsibilities include, but are not limited to, teaching and conducting and supervising professional practice and research. Professors of Professional Practice are normally full time, regular faculty members and are appointed, following the procedures prescribed in section [C.5.b](#), at the rank of Assistant, Associate or full Professor, according to relevant experience and qualifications. They are subject to regular evaluation procedures, with quality of teaching and professional practice as the principal criteria, provide service to the Institute, and are eligible to apply for sabbatical leave and development grants.

**Affiliated Faculty** of the Middlebury Institute are engaged in teaching and research. They are either full- or part-time employees each semester, as stipulated in their contracts, and may perform such additional tasks as are normally expected of university-affiliated faculty. These include, but are not limited to, student advising, directed study supervision, curriculum development; attendance at faculty meetings, and maintaining professional currency in their fields of expertise. Affiliated faculty fall into five categories:

i. **Visiting Professors** offer expertise that expands the current offerings in the curriculum. For appointment as a visiting professor, a candidate normally must have earned a doctorate, or the highest degree available in the candidate’s field of specialization, or have exceptional experience in a professional field that fits the mission of the Institute. The visiting professor must demonstrate outstanding teaching ability to the satisfaction of the Dean of Teaching, Learning, and Faculty Development. Visiting professors are recruited by the administration in consultation with current faculty and are evaluated by the administration. Visiting professors are normally appointed for one- to three-year terms, after which they may be considered, through the regular recruitment and appointment process, for a regular faculty position. Continuing single-year appointments of visiting professors are strongly discouraged.

Visiting faculty on single-year contracts are not eligible to apply for sabbatical or faculty development grants, are not required to contribute service, and are not eligible to vote in the Faculty Assembly. Visiting faculty on a

multi-year contract will be eligible to apply for faculty development grants. Visiting faculty on multi-year contracts will be eligible to vote in the Faculty Assembly and may serve on APSIC or other ad-hoc governance committees

ii. **Adjunct professors** are appointed on an *ad hoc* basis to teach specific course(s) for which they have special expertise. For appointment as an Adjunct professor, a candidate normally must have earned a doctorate, or the highest degree available in the candidate's field of specialization, or have exceptional experience in a professional field that fits the mission of the Institute. Adjunct professors are recruited and appointed on a semester-to-semester basis by the administration in consultation with the relevant program chair(s). They must demonstrate outstanding teaching ability in order to be re-appointed. Adjunct professors are evaluated by the administration. Adjunct professors are not eligible to apply for sabbatical or faculty development grants, and are not required to contribute service to the Institute.

iii. **Research professors** are members of the staff, not of the faculty. They are appointed to and employed by a research center because of the distinctive contribution they can make to the research program of the Institute. They should have academic and/or professional qualifications comparable to those of faculty. Research professors enjoy staff status, but not regular faculty prerogatives such as voting privileges in the Faculty Assembly. The allowable or required level of participation in school faculty affairs shall be decided by the administration in consultation with the regular faculty.

iv. **Professors emeritae/i** are faculty members who have, to the satisfaction of the regular faculty and VPAA, demonstrated excellence in teaching during their employment at MIIS, maintained professional stature in their field, and made significant contributions to the Institute. To be eligible for emerita/us status, a faculty member must normally meet the following additional criteria: (a) a minimum of ten years full-time service (or equivalent) at the Institute; (b) a desire and intent, expressed in person or in writing to the Faculty Senate, to maintain contact with the Institute; and (c) confirmation, again expressed in person or in writing to the Faculty Senate, that the candidate will not take a full-time, long-term teaching position at another university after retiring from MIIS. A retiring faculty member is normally nominated for emerita/us status by one or more current faculty members; this nomination is submitted to the Faculty Senate. Once the Faculty Senate is satisfied that the criteria are met, the nomination is presented to the Faculty Assembly for approval. The recommendation then proceeds to the VPAA for final approval. Professors emeritae/i enjoy certain privileges including, but not limited to, library and parking privileges, access to a computer and free use of the Internet. Professors emeritae/i are not eligible to apply for sabbatical or faculty development grants, do not vote, and are not expected to contribute service to the Institute.

v. **Instructors in Non-degree Programs** are appointed to teach in specific non-degree programs for which they have relevant qualifications, experience and expertise. For appointment as an Instructor, a candidate must normally hold a Master's degree and have a minimum of two years experience in the relevant field of specialization. Instructors are appointed to an up to three-year, renewable contract and are evaluated by the program supervisor. Instructors are not eligible to apply for sabbatical leave and are not required to, but have the option to, serve on ad-hoc faculty committees. Instructors are not eligible to vote in the faculty Assembly. Instructors in non-degree programs with a multi-year contract may be eligible for competitive faculty professional development funding, if they can demonstrate clearly how the development will benefit the Institute.

### C.5.b. Appointment to the Faculty

Appointments to the regular faculty of the Institute are made by the VPAA, after review of the advice of a faculty search committee and of the recommendations of the Dean of Teaching, Learning, and Faculty Development. No appointment to regular faculty status is made without an open search and a competitive evaluation following best practices of the Institute, including rigorous interviews with multiple candidates.

Faculty appointments are subject to the approval of the Middlebury Board of Trustees through its consent agenda.

When there are vacancies for regular faculty, deans follow the hiring guidelines included in the Employee Handbook, beginning with a discussion with the VPAA to determine whether and how the vacancy is to be filled.

Appointment of other categories of faculty proceeds as described below:

- i. The substantive criteria for regular faculty members are also applied to the appointment of lecturers, senior lecturers, research professors, or visiting professors. All such appointments shall be made in consultation with the regular faculty of the relevant program(s), except in the case of emergencies when insufficient time is available to involve faculty in the decision. Nominees are referred to the VPAA for approval and appointment. Notification to the regular faculty of non-reappointment of these positions is not required.
- ii. The Institute shall develop files of available faculty who may be hired as adjuncts as needed. All such appointments are made by the Dean of Teaching, Learning, and Faculty Development, who shall consult the relevant program chair(s).
- iii. In consultation with appropriate faculty, any Institute dean may propose that the VPAA bestow the title of research professor on staff members of research centers who meet the criteria set forth in defining this position, above.

In forming a judgment as to the record and the potential of candidates for appointment, primary consideration is given to the following criteria:

- a. Teaching ability, as evidenced by appropriate references, student evaluations, and recommendations of peers.
- b. Professional competence, as evidenced by the candidate's educational record; scholarly activities such as publications, research, and papers presented at professional meetings; and reputation among peers in the field of specialization.
- c. Personal attributes, such as integrity, initiative, breadth and focus of intellectual interest, and willingness to advise and assist students and participate in Institute activities. This includes a judgment of the candidate's ability to serve as a responsible Institute citizen, a quality colleague to faculty, a quality mentor to students, and a member of the Institute community who fosters its values and complies with its policies.

Appointments to the three ranks are based on review of the various judgments of the members of the committee, the committee, and the administrators, respectively, as to specific qualifications outlined below.

- i. For appointment as a Professor, a candidate must have earned a doctorate or other terminal degree in the relevant field of specialization. The candidate must have demonstrated sustained high quality teaching, recognized scholarly and professional achievement (through a record of research, publication, and professional activities) and substantial service to the Institute, and must have at least ten (10) years of full-time teaching in institutions of higher education or equivalent professional service.
- ii. For appointment as an Associate Professor, a candidate must have earned a doctorate or other terminal degree in the relevant field of specialization. The candidate must have demonstrated sustained high quality teaching, recognized scholarly and professional achievement (through a record of research, publication, and professional activities), and substantial service to the Institute, and must have at least five (5) years of full-time teaching in institutions of higher education or equivalent professional service.
- iii. For appointment as an Assistant Professor, a candidate must have earned a doctorate or other terminal degree in the relevant field of specialization. (Exceptions may be made for ABD candidates who will complete their doctorate by a stipulated date, normally not more than twelve (12) months from the date of appointment). They must demonstrate the potential for excellence in teaching, scholarly activities, professional achievement, and service to the Institute.

- iv. Appointments to rank made before July 1, 2011 shall remain unaltered. That is, faculty members who hold an appointment prior to July 1, 2011 at one of the three ranks and do not meet the stipulated criterion in terms of the

terminal degree shall retain that rank for the duration of their service at the Institute and may apply for promotion when all other conditions are met.

v. Under special circumstances, based on the recommendation of the deans after consultation with the faculty, the VPAA may approve appointment of faculty at any of the above stages and ranks.

Under the contract system, the first and second regular faculty appointments at the Institute are normally for a period of three (3) years each. The third such appointment and all subsequent appointments are normally for a six-year period.

### C.5.c. Faculty Rights and Responsibilities

**Quality in teaching** is the first and most important responsibility of all Middlebury Institute faculty. Criteria for assessing if there is high teaching quality and other faculty responsibilities are described under Section 6 (Evaluation of the Faculty). Consistent with Institute policies, faculty govern academic programs and curriculum. Faculty have the responsibility to organize themselves for this purpose in a manner appropriate to the needs of the Institute's professional graduate education.

Faculty have **teaching autonomy**, including evaluation of student work, selection of teaching methods, selection of material to be presented, and maintenance of a class atmosphere conducive to learning, all subject to the policies of the Institute.

The Institute encourages a close relationship between teacher and student in the learning process. Overall responsibility for **academic advising** rests with the Assistant Dean of Advising and Career Services and the VPAA, but the academic deans and the faculty are expected to play an important role as collaborators in this vital function. Faculty are expected to advise students in terms of the relevant academic disciplines and the students' chosen areas of specific focus. Students who require non-academic counseling should be referred to the Associate Dean of Student Services, who is responsible for student welfare in the areas of housing, referral services, international student advisement, and other personal counseling as appropriate.

Regular faculty members are expected to participate meaningfully in events and activities that are essential to the Institute and the degree programs. These include, but are not limited to, orientation, registration, convocation, commencement, program events, Institute events, committee work, and library development, as assigned.

Faculty members shall submit grades and other reports prior to established deadlines.

All faculty members are expected to hold regularly scheduled **office hours** each week, because these are deemed to be necessary to uphold their instructional and advising obligations. As a courtesy to students and others, faculty members should communicate their office hours each academic term. Faculty are expected to accommodate reasonable requests from students with scheduling conflicts for appointments outside regular office hours.

Regular faculty members with full-time appointments are expected to confine their **outside consultancies and non-Institute professional activities** to the equivalent of one (1) day a week during the academic year. They also may teach one course or its equivalent per term at another institution. Full-time faculty members who wish to teach for another institution must first obtain the consent of the Dean of Teaching, Learning, and Faculty Development and the VPAA. They may not teach any course that is, in the judgment of the dean and VPAA, in conflict with the interests of the Institute or in direct competition with the activities of the Institute.

Faculty appointments for the academic year normally do not include commitments to **summer teaching**. However, with the approval of Dean of Teaching, Learning, and Faculty Development, a faculty member may teach during the summer term in lieu of equivalent teaching in one of the semesters of the regular academic year. Should a faculty member wish to teach during the summer in addition to teaching during regular terms, she/he may do so at salary and/or under other terms as agreed with the Dean of Teaching, Learning, and Faculty Development. Should any faculty member wish to teach or consult elsewhere during the summer, she/he may

not teach any course that is, in the judgment of the Dean of Teaching, Learning, and Faculty Development and VPAA, in conflict with the interests of the Institute or in direct competition with the activities of the Institute, and she/he must provide advance notice as outlined above. Regular faculty in the relevant program should be consulted, if possible, before adjunct or visiting faculty are hired for summer teaching.

Faculty are expected to **conduct their research with integrity** and in line with standards of ethics that are commonly accepted within the academic community for proposing, conducting, or reviewing research, or in reporting research results. For the purpose of this document, we consider the term "research" to encompass both research and scholarship. Research misconduct means falsification, fabrication, plagiarism, retaliation of any kind against a person who in good faith reported or provided information about possible misconduct, or other actions that seriously deviate from commonly accepted standards of ethics. It does not include honest error or honest differences in interpretations or judgments of data. See Middlebury Policy [I.G. Misconduct in Research and Other Scholarly Activities](#) for more information regarding research misconduct.

Research involving **human and animal subjects** must first be reviewed by the Middlebury Institutional Review Board or [Institutional Animal Care and Use Committee](#). The IRB includes several representatives from MIIS. The committee's procedures and forms are available at <https://www.middlebury.edu/academics/resources/irb>. Further information may be obtained from the MIIS VPAA.

Faculty **make recommendations regarding the awarding of degrees**, in accordance with the Institute's degree requirements. All earned academic degrees are conferred by the VPAA of the Middlebury Institute upon recommendation of the faculty and approval of the Institute Board of Overseers and the Middlebury Board of Trustees.

The honorary degree awarded by the Institute is the Doctor of Humane Letters, *Honoris Causa*. It is awarded to individuals who meet at least one of the following qualifications:

- conspicuous contributions to international affairs;
- conspicuous contributions to education and/or scholarship;
- conspicuous contributions to the Institute.

Faculty members may **propose candidates for honorary degrees** to the Faculty Senate for recommendation to the VPAA and the president of Middlebury.

## C.6. Evaluation of the Faculty

Evaluation of the faculty serves several Institute objectives, such as assuring and assessing educational effectiveness, providing performance feedback, developing faculty expertise, improving classroom performance, maintaining fairness, and documenting the basis for employment decisions.

Faculty are formally evaluated according to the procedures outlined below on three specific occasions. First, each year every regular faculty member or visiting faculty member on a multi-year contract (those holding a contract two-three years in length), is given an annual review by the Dean of Teaching, Learning, and Faculty Development. Program chairs and Program Heads do not normally evaluate their faculty in the annual reviews. If a program decides they do want their program chair or Program Head to contribute to the annual evaluation report, the faculty should have a right to review these comments just as they can view the dean's comments on their annual evaluation report. Second, each regular faculty member is evaluated for contract renewal. Third, the evaluation process is applied to all promotions. The evaluation process is based in part on judgments made upon the review of regularly administered end-of-semester student evaluations and upon peer faculty reviews.

### C.6.a. Criteria

Evaluation is based on the following criteria:

**i. Demonstrated Teaching Effectiveness (40-60%)** - The Institute is a professional graduate school, focused on preparing students for their professional lives. Accordingly, the first priority of Institute faculty is effective teaching and this category receives the greatest weight in assessing overall faculty performance. Effective teaching requires faculty, at a minimum, to:

1. Maintain up-to-date knowledge of the subject matter
2. Demonstrate ability to facilitate meaningful discussion, reflection, and skills practice
3. Structure courses in ways that align learning outcomes, course content, and assignments
4. Apply an intentional, educationally-sound teaching philosophy
5. Demonstrate ability to assess student learning and communicate feedback to students
6. Communicate clearly with students in and outside of the classroom
7. Foster an atmosphere of respect
8. Be inclusive of diverse students and learning styles
9. Maintain high academic standards that require students to make progress towards producing professional-level work
10. Submit required Institute reports, such as semester grades, on a timely basis

Sources of input: Evaluation of teaching will assess both quantity (number of courses, number of new course preps, number of students, number of directed studies, number of demanding courses, etc.) as well as the quality of teaching. It is essential that there are multiple sources of data used in the evaluation of teaching quality. These sources must represent multiple perspectives (e.g. the faculty member being evaluated, students, peers, and administrators). The faculty and academic administration shall jointly agree on appropriate data sources and processes for the assessment of teaching.

**ii. Scholarship and Professional Impact (20-50%)** - As a professional graduate school, one of the Institute's greatest assets is the professional engagement of its faculty. This category evaluates the professional impact that faculty members make in their academic and professional fields and in the local and global communities. Positive scholarship and professional impact increases the visibility and reputation of the Institute. Forms of professional impact include, but are not limited to:

1. Research, publications, or conference presentations that advance theoretical knowledge, inform professional practice, and/or shape public policy
2. Editorial roles with academic journals
3. Professional consulting work
4. Development of curriculum or facilitation of trainings that advance others' professional practice
5. Leadership roles in professional organizations and conferences
6. Projects that meaningfully connect the Institute with local or global community people and groups
7. Mentoring professionals outside of MIIS
8. Volunteer service, in the local community and beyond, related to the faculty members' academic or professional field
9. Highly public activities such as media interviews, well-read blogs/podcasts, and related activities

Sources of input: Data on scholarship and professional impact will be reported by the faculty member during annual evaluations. At the time of contract renewal and promotion, additional perspectives, including external perspectives, will also be incorporated into the evaluation. Awards and recognitions may also factor into assessment of professional impact. The faculty and academic administration shall jointly agree on appropriate methods of assessing the merits of the faculty members' contributions in this category.

**iii. Service to the Institute and to Middlebury (10-30%)** - Contributions of the faculty are essential to Middlebury's operations, strategy, and success as an organization. This category evaluates faculty contributions to Middlebury. It includes contributions other than those described in the categories of teaching and professional impact. Service to Middlebury and the Institute will at minimum include regular participation in governance and community building activities. These include faculty assemblies, town hall events, faculty retreats, orientation,



commencement, faculty meetings, and program events. Additionally, faculty may contribute to Middlebury and the Institute through both individual and group efforts including, but not limited to:

1. Student support and advising
2. Career advising
3. Fellowship search committees
4. Club advising
5. Participation in student-organized events
6. Supporting student research and conference presentations
7. Creating professional development opportunities for students
8. Mentoring students
9. Middlebury and Institute leadership roles
10. Directing a center
11. Program chairs and language coordinators
12. Faculty Senate
13. APSIC
14. FEC
15. Chairing committees and task groups
16. Other leadership roles
17. Contributing to strategy and operations
18. Serving on peer review committees
19. Serving on search committees
20. Serving on committees and task groups
21. Developing program and Institute curriculum
22. Supporting center initiatives
23. Participating in focus groups and planning meetings
24. Mentoring or training Institute faculty or staff
25. Bringing resources into the organization
26. Participation in marketing and recruitment efforts
27. Working with donors
28. Applying for and receiving grants that benefit Middlebury and the Institute
29. Developing and/or coordinating non-degree programs and initiatives
30. Hosting alumni events

Sources of input: Data on Middlebury/MIIS Service will be reported by the faculty member being evaluated and confirmed by the Dean of Teaching, Learning, and Faculty Development. The faculty and academic administration shall jointly agree on appropriate methods of assessing the merits of the faculty members' contributions in this category.

**iv. Professional Development (0-20%)** - A hallmark of professionals is that they continually develop and update their knowledge and skills. Intentional, ongoing professional development is expected of all Institute faculty. It is expected that each faculty member will seek improvement in one (or more) of the other three evaluation categories, with recognizable efforts annually. Professional development goals may include, but are not limited to:

1. Teaching
2. Learning a new content area
3. Developing, or substantially revising, a course
4. Learning about diversity and inclusion in the classroom
5. Learning classroom facilitation techniques
6. Developing or improving learning assessments
7. Testing a new teaching technique or technology
8. Scholarship and Professional impact
9. Formulating a research agenda
10. Developing, or deepening, a research area

11. Learning a new research method or tool
12. Participating in writing accountability group
13. Developing a consulting business plan
14. Developing a professional website, blog, etc.
15. Receiving training on engaging with journalists
16. Undertaking new professional roles
17. Middlebury/MIIS Service
18. Taking management training
19. Improving meeting facilitation skills
20. Taking grant-writing training
21. Undertaking new institutional roles
22. Cross-category/Other
23. Participating in mentorship as a mentee or in a peer-to-peer program
24. Participating in professional development trainings (time-management, conflict resolution, leadership, etc.)
25. Taking diversity training
26. Taking a MIIS or external course
27. Developing foreign language skills

Sources of input: Professional Development goals and progress may be reported by the faculty member being evaluated. Professional development activities may not be “double-counted” by reporting them in both the professional development category and another evaluation category. Each faculty member will set one or more goal(s) during the annual evaluation process and report on progress during the next annual evaluation. It is recognized that meaningful professional development is a multi-year process. Therefore, striving for an ambitious goal and not fully succeeding will not be penalized. Further, it is acknowledged that goals evolve and may change completely as new opportunities emerge.

### **C.6.b. Weighting Criteria**

The above elements are not mutually exclusive. While demonstrated excellence in all is not necessary, outstanding achievement in some and adequate accomplishment in the remainder is expected of all members of the faculty. However, effective teaching is always essential.

All criteria necessarily include the faculty member’s behavior as a responsible Institute citizen, including serving as a quality colleague to faculty, a quality mentor to students, and an Institute community member who fosters its values and complies with its policies.

The Dean of Teaching, Learning, and Faculty Development, in consultation with the faculty of each degree program and the VPAA, shall establish clear guidelines for any weighting of criteria applicable to faculty evaluations.

### **C.6.c. Tracking**

The VPAA is responsible for recording all information related to the evaluation process, including the calendar and list of faculty to be evaluated, the dates each file was forwarded and received by participants in the process, and the decisions reached at each level.

### **C.6.d. Commencement of evaluation process**

The VPAA’s office notifies each faculty member in writing, by September 1, of the faculty member’s obligations with respect to the particular type of evaluation (annual review, contract renewal, or promotion action) that is to be undertaken in a given year. [Appendix A](#) provides a schedule that academic administration, the Faculty Evaluation Committee, and faculty being reviewed should follow. By the date stipulated on this calendar, faculty members shall submit reports on their activities (Faculty Activity Reports or FARs) based on the four criteria

described in section [C.6.a](#). FARs assist the academic administration and the Faculty Evaluation Committee in evaluating the record and the potential of the faculty members. The administration, in collaboration with the Faculty Senate, shall maintain a rubric and instructions that clearly define what is expected of faculty in this report.

### C.6.e. Annual Reviews<sup>2</sup>

During the academic year, every member of the regular faculty or visiting faculty member on a multi-year contract (those holding a contract two-three years in length), receives an annual review. These evaluations are conducted by the Dean of Teaching, Learning, and Faculty Developments, who relies on the Faculty Activity Reports (FARs) that each faculty member is required to provide annually. The annual review is based on a process mutually agreed upon by the Faculty Senate and administration, which shall include written comments from the Dean on the faculty member's progress in the four criteria above, his/her strengths, and the areas in which improvement is needed. The Dean is responsible for ensuring that each faculty member has received a copy of this review and has had an opportunity to respond to it in writing. These reviews and any responses shall become part of the faculty member's personnel file. In the event of a disagreement, the evaluated faculty member may request that an annual review be forwarded to the Faculty Evaluation Committee for its independent evaluation. Such assessment shall be added to the faculty member's file. See [Appendix A](#) for timetable for Annual Reviews.

### C.6.f. Contract renewals<sup>2</sup>

For faculty on multiple-year contracts, applications for renewal of their contracts shall be reviewed and a decision made by no later than 12 months prior to the expiration of their current contract (no later than June 30, the normal expiration date). This means that for faculty serving a six-academic-year contract, the review and decision shall be completed during their **fifth** academic year of service under such contract, etc. In the case of a decision for non-retention, the faculty member shall be informed by the date indicated in [Appendix A](#) during the year preceding the one in which the contract expires. Failure to provide timely notification of such a decision results automatically in the offer of an extension of one academic year to the current contract.

If contracts are renewed, faculty should be provided a copy of this new contract to be signed, specifying the terms of employment, starting salary, title, and start and end dates, accompanying the reappointment letter.

### C.6.g. Promotion<sup>2</sup>

Requests for promotions shall be considered according to the schedule in [Appendix A](#). Faculty members may apply and be considered for promotion in accordance with the following schedules and criteria:

i. **Assistant professor** (or assistant professors of professional practice), for promotion to **associate professor** (or associate professors of professional practice), after four (4) years in rank, if at least two (2) of those years have been completed at the Institute, and after a total of at least five (5) years of full-time teaching or equivalent professional experience. Application for promotion can be made in the spring semester of the fifth year and promotion, if awarded, shall become effective at the start of the sixth year.

ii. **Associate professors** (or associate professors of professional practice) can apply for promotion to **full professor** (or full professor of professional practice) in either of the following cases:

1. For those who joined MIIS faculty as an associate professor, they are eligible to apply after four (4) years in rank at the associate level, if at least three (3) of those years have been completed at the Institute.
2. For those who joined MIIS faculty as an assistant professor, they are eligible to apply after completing nine (9) years of full-time teaching at accredited institutions of higher learning, or, if they are professors of professional practice, equivalent professional experience, and after four (4) years in rank at the associate level at the Institute.

Application for promotion to full professor can be made at earliest in the spring semester of the first academic year in which they have met the above criteria. If awarded, faculty will be notified of promotion by the end of that spring semester in the academic year in which they apply, and promotion shall become effective at the start of the following academic year (July 1st)."

Among the considerations for promotion are the criteria for measuring excellence mentioned in Section [C.6.a.](#), as well as any further guidance established. The principal determining factors for promotion for all faculty members, however, are excellence in teaching and professional stature and impact. Promotion to associate professor or professor requires evidence of significant contributions to the objectives of the Institute.

All such criteria include the faculty member's behavior as a responsible Institute citizen, including serving as a quality colleague to faculty members, quality mentor to students, and Institute community member who fosters its values and complies with its policies. Early promotion may be considered in cases of exceptional merit.

### **C.6.h. The Process of Evaluation**

Evaluation of faculty members for the purpose of contract renewal or promotion is a sequential process involving review by a committee of peers, the Dean of Teaching, Learning, and Faculty Development, the Faculty Evaluation Committee (FEC), the VPAA, the Provost, and the President and Board of Trustees in the case of promotion to full professor. The faculty member has opportunities to respond at each stage of the process. In cases of promotion, external reviews by qualified persons of adequate professional/academic standing are also required.

#### **Step 1 —**

To initiate the evaluation process for promotion or contract renewal, faculty members prepare and submit their professional files through a designated online system to the Dean of Teaching, Learning, and Faculty Development according to the schedule set forth in Appendix A.

A complete file shall contain, but is not limited to, the following items:

- the annual Faculty Activity Report (FAR) based on the criteria in Section [C.6.a.](#);
- evidence of teaching effectiveness (quantitative and qualitative student evaluations, and optionally course syllabi, sample assignments, student work, peer observations, teaching philosophy statement);
- samples of publications;
- other evidence of professional currency and activity;
- evidence of community service, fundraising, etc.;
- letters of recommendation (optional).

It is the individual faculty member's responsibility to initiate the evaluation process by submitting a complete, well-organized file by the deadline specified in the evaluation schedule ([Appendix A](#)). Should timely action not be taken by a faculty member, the Dean of Teaching, Learning, and Faculty Development shall combine the relevant student course evaluation data and annual reviews into a rudimentary dossier, which is forwarded to the Peer Review Committee.

#### **Step 2 —**

The process of forming the Peer Review Committees, including the role, if any, of the program chairs, shall be as agreed upon between the Dean of Teaching, Learning, and Faculty Development and the faculty of each school. Members of the committee shall be regular faculty members who, in the judgment of the dean, possess the professional expertise to evaluate the dossier. In the event that for good cause shown to the satisfaction of the VPAA, a candidate objects to a committee member's participation, the VPAA shall direct that a replacement be appointed. If a faculty member is applying for contract renewal and promotion in the same academic year, there

will be a single peer review committee for both applications. The faculty member may opt to simply submit an addendum for the second of the two reviews.

The Peer Review Committee shall evaluate the faculty member's record and present to the dean a written report, inclusive of its recommendation (contract renewal/non-renewal, promotion/non-promotion, or approval/non-approval of a sabbatical proposal). Before the report is submitted to the dean, the committee can identify questions they have about the individual's work in any of the four evaluation areas. The peer review committee can ask to meet privately (in person or online) with the faculty member to ask these questions, prior to finalizing the peer review form. Questions should be based on the dossier and the presentation and the discussion should not last longer than 45 - 60 minutes. Whether or not there is a meeting between the reviewee and reviewers, on the same date the Peer Review Committee recommendation is sent to the dean, a copy is forwarded to the faculty member, who has five (5) working days in which to submit a response to the committee's evaluation and/or additional information to the dean. This period may be extended if the faculty member is unavailable to receive and comment on the report.

#### Step 2a –

The soliciting of external reviews in cases of promotion review shall be the responsibility of the VPAA. To this end, the faculty member and the Dean of Teaching, Learning, and Faculty Development shall both submit a list of names, including contact information, of three persons possessing adequate professional/academic expertise and qualifications to evaluate the dossier and to judge also on the basis of the mission of the program with which the candidate is affiliated. External reviewers should be established scholars in the candidate's field, or leaders in the profession. In order to guarantee sufficient time and to facilitate the process, the name lists must be submitted to the VPAA no later than October 1. The VPAA shall then obtain a written evaluation from one person on each list.

The external reviewers shall confine their evaluation to the faculty member's record of scholarship/professional achievement as well as professional stature and present to the VPAA a written report, inclusive of their recommendation (promotion/non-promotion).

The external reviews shall be obtained in a period of time concurrent with the peer-review process. The faculty member will have access to the opinions of the external reviewers, but not to the external reviewers' identities, thus preserving the confidentiality of the process. Restricting access is meant to ensure frank and honest assessments of the candidate, while still providing useful input into the faculty member's formative evaluation. The Dean, FEC, and VPAA will have access to all materials submitted in connection with promotion review, including the external evaluations.

#### Step 3 –

The Dean, whose review must explicitly acknowledge the candidate's written response(s), if any, adds his/her evaluation of the faculty member to the file and forwards it to the **Faculty Evaluation Committee**. The Dean's final evaluation shall be issued no sooner than five (5) working days after receiving the peer evaluation and the external reviews in cases of promotion.

On the same date, a copy of the Dean's evaluation is sent directly to the faculty member, who has five (5) working days in which to submit, to the **Faculty Evaluation Committee**, a response to the Dean's evaluation. This period may be extended if the faculty member is unavailable to receive and comment on the report.

#### Step 4 –

The Faculty Evaluation Committee will review the file, explicitly acknowledging any written responses and other materials from the faculty member. The Committee may request additional information from any party involved in the case. If the Committee finds that the faculty member has not been accorded due process during the evaluation procedure, it shall forward such a finding to the VPAA, with copies forwarded to the Dean and to

the faculty member on the same date. In doing so, the Committee shall consider whether in its judgment, the evaluation has proceeded in accordance with policies of the Faculty Handbook.

Unless the Faculty Evaluation Committee finds that the faculty member has not been accorded due process during the prior evaluation procedure, it will then make its own independent evaluation. The Committee shall issue its final evaluation no sooner than five (5) working days after receiving the file from the **Dean**. The Faculty Evaluation Committee's independent evaluation may take one of three forms: (a) concurrence with the recommendations of the Dean; (b) non-concurrence with the recommendation of the Dean; or (c) a recommendation, for reasons stated, that the VPAA invoke the one-year extension provision (see section 6.10) or, under special circumstances, a longer extension to provide the faculty member sufficient time to demonstrate enhanced performance.

#### Step 5 —

The Faculty Evaluation Committee places its finding of due process and its evaluation of the faculty member in the file, with copies forwarded to the faculty member, the Dean and the VPAA on the same date. The faculty member has five (5) working days in which to submit a response to the Committee's evaluation and/or additional material to the VPAA.

The VPAA, whose review must explicitly acknowledge any written response from the candidate submitted within five (5) days of the Faculty Evaluation Committee's decision, shall issue a final report including evaluation of the file and recommendation, no sooner than five (5) working days after receipt of the file. This report is added to the file, with copies forwarded to the faculty member **and** the Dean on the same date.

In the case of renewal of a contract, the VPAA will make a recommendation to the provost. The provost will make the decision about the contract renewal.

In the case of promotion to full professor, the recommendation will be forwarded to the president, who, in consultation with the provost, will make a decision, with the final decision to be made by the Board of Trustees.

#### Step 6 —

In cases other than promotion to full professor, should the faculty member disagree with the decision of the provost, they may appeal the decision in writing to the president within five (5) working days of being notified of the decision. The decision of the president is final.

A faculty member being evaluated may request an additional five (5) days in addition to the five (5) working days provided, for the purpose of obtaining materials deemed critical to the case.

### C.6.i. Sabbatical Leaves

The Institute provides opportunities for professional development and research through faculty sabbatical leaves, subject to available financial resources and program requirements.

After each six (6) year period of full-time (or full-time equivalent) teaching at the Institute, faculty members become eligible to apply for a sabbatical leave. [See Appendix C] Application for sabbatical leave is made no earlier than in the fall semester of the sixth year of full-time teaching (or full-time equivalent). If granted, leave (whether one semester or one full year) would take place within the seventh year. Before applying for a subsequent sabbatical leave, faculty members must again complete a minimum of six (6) years of full-time (or full-time equivalent) teaching. If sabbatical is taken in the fall semester of an academic year only, the spring semester does not count as part of this next six (6) year increment of full-time teaching.

In the event that a faculty member is not able to take sabbatical when eligible, for reasons of institutional need or world events beyond their control, the academic administration shall have the right to allow the faculty member

to be eligible for the next sabbatical as would have been originally scheduled (e.g. if a 7th year sabbatical is deferred to year 8, the administration may allow the individual to be eligible again within year 14, rather than waiting until year 15).

Faculty members must make formal application for a sabbatical leave through the Dean of Teaching, Learning, and Faculty Development, who forward requests to the Faculty Evaluation Committee. The VPAA takes action based on the recommendation of the Faculty Evaluation Committee **and** the Dean, and on the needs of the Institute. Applications should be made before September 30 of the year preceding the academic year for which the leave is requested. The process for review of sabbatical proposals is the same as the process for review of applications for contract renewal or promotion, beginning with [step 3](#).

The principal criteria considered for the granting of sabbatical leave include: the nature and quality of the research or professional project proposed by the candidate for the period of the sabbatical; the utility of the project to the applicant's professional growth and to the reputation and academic programs at the Institute; and the ability of the Institute to continue its academic programs during the absence of the professor seeking a sabbatical. Faculty members who are granted sabbatical leaves normally are obligated to return to their regular teaching positions at the Institute for at least one (1) year following the sabbatical and to give a full report on their research or other activities during the sabbatical (for example in a poster fair, presentation, or colloquium).

The Institute may modify these criteria for sabbatical leaves to support the specific mission and objectives of the Institute. In that event, the Dean of Teaching, Learning, and Faculty Development, in consultation with their faculty and the VPAA, shall establish clear guidelines for framing such sabbatical leave criteria.

Sabbatical leave may be granted for an entire academic year at fifty percent (50%) of the annual salary or for one (1) semester at full salary. The sabbatical period shall be counted as time served at the Institute for the purposes of calculating promotion and contract renewal periods. The Institute shall continue the faculty member's health and retirement benefits during the sabbatical under the same terms as during regular service at the Institute.

In the event that a faculty member's request for a sabbatical leave is denied by the Dean, the Faculty Evaluation Committee shall evaluate the request independently, based on the Institute criteria.

#### **C.6.j. Role of the Vice President for Academic Affairs and Dean of the Institute (VPAA)✂**

The VPAA of the Institute has approval/denial authority for all faculty sabbaticals, and recommends faculty contract renewals, promotions, and re-appointments of deans to the provost, subject in some cases to review by president or Board of Trustees, as outlined in the procedure above. The VPAA may elect to recommend an extension of an existing contract up to one (1) year, or, under special circumstances, a longer extension in those cases when it is judged that more time is needed to evaluate faculty performance for a contract renewal decision.

#### **C.6.k. Leave without Pay✂**

In its continuing efforts to provide its faculty with opportunities for professional research and development, the Institute shall consider options for academic leave without pay on a case-by-case basis. A faculty member may apply for leave without pay, normally before September 15 of the year preceding the academic year in which the leave is requested, by submitting formal written application to the VPAA through the Dean of Teaching, Learning, and Faculty Development. Every effort should be made to schedule a period of leave without pay in a manner that does not disrupt the Institute's academic programs.

Leave taken without pay shall not be considered time served at the Institute for purposes of calculating promotion and contract renewal periods, and benefits shall be suspended for the length of the leave. However, under extraordinary circumstances at the discretion of the VPAA, as long as the faculty member takes leave without pay for one year or less, the VPAA may allow the faculty member to count that leave as time served towards contract renewal, sabbatical, and/or promotion.



## C.7. Separation from the Institute

### C.7.a. Non-Retention

Regular faculty members whose non-retention is decided upon pursuant to the evaluation process are entitled to receive a Notice of Non-Retention. All Notices of Non-Retention shall be in writing and shall be served either personally or by registered or certified mail in accordance with the established schedule (see [Appendix A](#)), namely no later than June 30, or approximately a year prior to the expiration of an appointment.

### C.7.b. Separation for Cause

In addition to non-retention pursuant to the evaluation process outlined in section [C.6.h.](#), faculty may be separated for cause for engaging in prohibited conduct in accordance with the procedures for responding to faculty misconduct, described in section [C.8.g.](#)

### C.7.c. Reduction in Program

A critical lack of funds and/or the discontinuance or reduction of a program may necessitate a reduction in faculty. Such a situation can be considered grounds for non-renewal of a contract. The administration should share with faculty the criteria used to decide whether programs are subject to reduction or discontinuance and also the factors weighed to evaluate contract renewal decisions within these programs, so that other faculty can shape their future performance.

Before any non-renewal of contract is decided upon that ground, the VPAA shall consult with the Dean of Teaching, Learning, and Faculty Development and the Provost, as appropriate, in order to seek alternative ways to employ affected faculty members within Middlebury. Except in true financial emergencies, every attempt should be made to honor faculty contracts for their entire length, in order to preserve the Institute's ability to recruit qualified faculty for its future needs.

### C.7.d. Resignation

A member of the faculty is expected to furnish written notice of resignation as early as possible but not later than December 1, if the resignation is to be effective the following academic year. By mutual and written agreement between the faculty member and the Dean of Teaching, Learning, and Faculty Development, shorter notice may be given.

## C.8. Other Faculty Matters

### C.8.a. Compensation and Benefits<sup>2</sup>

Faculty salaries are set by the VPAA as part of the annual budget process after consideration of input from the deans and the faculty. Faculty are eligible for employee benefits, and are subject to employee policies, procedures and regulations as described in the Middlebury Institute Employee Handbook.

### C.8.b. Jury Duty and Subpoenaed Work-Related Court Appearances<sup>2</sup>

The Institute recognizes jury duty as a civic obligation and shall excuse all summoned faculty members from work without loss of pay if jury duty is required. However, in most cases, courts agree to delay the jury duty requirement for teachers if that duty falls during an academic semester. Every effort should be made to obtain



such a delay in order not to disrupt the academic process. However, should jury duty be required during the academic semester, the following procedure applies:

- Upon presentation of a formal summons, a faculty member shall be excused from work for service as a juror.
- The faculty member shall consult with the Dean of Teaching, Learning, and Faculty Development to find appropriate substitute(s) for any class time missed or to arrange for a make-up class or classes.
- The same procedures as outlined above shall be followed for faculty members who are served subpoenas for court appearances directly related to their work duties.

### **C.8.c. Outside Organizational Activity/Solicitation**

Because of the Institute's status as a nonprofit organization, no faculty member shall use the Institute's name, resources or services for the purposes of engaging in any partisan political activity, for-profit activity or for non-Institute activities.

### **C.8.d. Procedures to follow in case of illness or emergency**

Any unexpected development preventing a faculty member from meeting a class should be reported to, and handled by, the Dean of Teaching, Learning, and Faculty Development. When a class must be canceled, absent exceptional circumstances, the Assistant to the Academic Deans should be informed by the faculty member in time to notify the students by email, if the faculty member has not already done so. If an acceptable substitute cannot be found, the class must be made up.

### **C.8.e. Policy Against Sexual Misconduct, Domestic Violence, Dating Violence and Stalking**

Middlebury is committed to providing a campus and workplace environment that is safe and secure for all students, staff, faculty and others who participate in Middlebury's programs. Sexual misconduct, domestic violence, dating violence, stalking, and related retaliation are strictly prohibited, and Middlebury will respond to such complaints in accordance with the [policy set forth in the Middlebury handbook](#).

### **C.8.f. Grievance Procedure**

A faculty member of the Institute should avail him/herself of the following grievance procedures for any violation of (a) his/her employment contract with the Institute; (b) the Faculty Handbook; or (c) other Institute policy that in his/her employment with the Institute, has materially damaged the faculty member.

However, if a faculty member has a complaint of harassment, discrimination, or other behaviors noted in [Middlebury's Anti-harassment/Discrimination Policy](#), the complaint procedure in that policy should be used.

**Filing a Grievance** – The grievance process begins with a written document transmitted by the faculty member to the VPAA that states:

- the faculty member's name, department, and appointment history;
- the decisions by the Institute and the events that give rise to the grievance;
- the adverse impact on the faculty member;
- the part of his/her contract with the Institute, of the faculty handbook, of other policies, or of law, that have been violated, and in what manner there has been material damage to the faculty member;
- the resolution or remedy that is requested;
- the names of the decision-makers and other persons with knowledge of the matters at issue;
- what the faculty member has done to attempt to resolve the complaint.

**Notification of Grievance** – The VPAA shall notify the officer, agent, or representative of the Institute whose decision or actions are at issue. Where the decision or action at issue is by a committee of the Institute, the VPAA may choose to notify the committee.

**Efforts to Resolve the Grievance** – The VPAA shall consult with the grieving faculty member and the officer, agent or representative of the Institute whose decision or actions are at issue, in an effort to identify if it is possible to resolve the grievance without a hearing. The VPAA has the power to propose a resolution of the grievance which shall conclude the grievance unless the grieving faculty member objects.

**Faculty Grievance Review Committee (hereinafter referred to as “FGRC”)** – If the VPAA believes that the matter at issue is properly deemed to be a grievance as defined by this policy, the VPAA forms a FGRC, doing so in consultation with the Dean of Teaching, Learning, and Faculty Development and the grieving faculty member. The VPAA appoints the chair and two other members to the FGRC; presents to the FGRC its charge; convenes the FGRC; and determines all procedural questions that are not resolved by this policy.

The VPAA solicits suggestions for committee members from the Dean of Teaching, Learning, and Faculty Development and the grieving faculty member and appoints from the Institute faculty community at large, the chair and two other members of the FGRC. The grieving faculty member may petition the VPAA to excuse any member for good cause shown to the VPAA, such as prior knowledge of the grievance facts or demonstrated interest or bias toward or against any person involved in the matter.

**Hearings** – The VPAA convenes and charges the FGRC within 30 days of the filing of the grievance, absent exigency or absence of key persons. The VPAA sets forth, in a charge letter, the procedures of hearing of the grievance and the date for hearing.

The hearing of the grievance shall include the taking of evidence submitted by the grieving faculty member and by any officer, agent or representative of the Institute whose decision or actions are at issue, or other evidence as requested by the chair.

The rules for evidence shall be informal such that all relevant information may be heard by the committee. A record of the hearing shall be kept by the chair, in the form of copies of exhibits and a tape recording of the testimonial evidence.

The hearing shall be closed to any person who is not a party to the grievance or a person called by the chair to give evidence. The chair shall regulate the presence of persons and the calling of persons to give evidence. Questioning of witnesses shall proceed informally except that any party to the grievance may request the chair to allow cross-questioning on important matters that do not intrude into personal privacy. Attorneys are not permitted at the hearings; however, a grieving faculty member may otherwise choose to have the advice of an attorney.

**Determination of the Grievance** – Before the chair of the FGRC closes the hearing, the chair may request the submission of concluding statements by the parties and/or submission of a closing written statement. The chair shall thereafter convene the FGRC for confidential assessment of the matter and upon conclusion of the assessment meetings, the FGRC shall issue a determination report which shall be issued by majority vote of the FGRC. The FGRC shall endeavor to issue a determination report that answers the charge from the VPAA upon the weight of the persuasive evidence.

The report shall be transmitted to the VPAA, who shall in turn transmit it to the grieving faculty member, and such other persons at the Institute whom the VPAA determines should be informed.

The report and determination of FGRC shall constitute the final determination of the grievance by the Institute upon the passage of thirty (30) days after transmittal of its report to the VPAA, unless the VPAA by then issues a written statement indicating that she/he is considering the grievance or by then has issued her/his decision on the grievance.

The written decision of the VPAA shall be transmitted to the FGRC chair and members, the grieving faculty member, and such other persons at the Institute whom the VPAA determines should be informed. The written decision of the VPAA shall be the final decision of the Institute.

### **C.8.g. Policy and Procedures for Discipline of Regular Faculty Members**

**Policy** – In order to protect the values of academic freedom, the integrity of teaching of students and of faculty research, and sound administration of the institution, the Middlebury Institute requires the adherence of all faculty members to high standards of professional conduct. In the event that a significant deviation from these standards is believed to have occurred, a faculty member may be required to submit to disciplinary charges, which shall be determined according to the procedures set forth in this policy.

**Professional Misconduct – General** – Professional misconduct is that which occurs in the course of, arising from, or reasonably related to the faculty member's Institute position, duties, or responsibilities with the Institute, or demonstrably affecting, in a significantly adverse way, the effective performance of Institute functions.

Note that misconduct charges against a Middlebury Institute faculty member that fall under the Middlebury-wide [Non-Discrimination Policy](#) are handled in accordance with those policies.

**Professional Misconduct-Specific** – Professional misconduct addressed by this policy includes the following:

- dishonest, illegal or unethical behavior in the faculty member's teaching, research or service duties;
- preventing or obstructing Institute teaching, research, or service functions, or any other lawful function of the Institute;
- neglect of Institute-related duties or responsibilities;
- other professional misconduct of a serious nature, including but not limited to, intentionally inflicting physical harm or other serious harm on a member of the Institute community, knowingly violating an Institute policy regulating behavior of faculty members; and
- attempting to, abetting, or inciting another to, engage in conduct which would violate the above-described forms of misconduct if engaged in by the faculty member.

**Disciplinary Procedures – General** – Discipline for professional misconduct involves either severe sanction(s) or less than severe sanctions. Proposed discipline may not be imposed except in compliance with faculty disciplinary procedures. Discipline other than severe sanctions may be imposed by action of the VPAA.

**Severe Sanctions – Defined** – Severe sanctions are: a temporary reduction in base salary; suspension from the Institute from all or part of duties without pay for a specified period; and/or termination of appointment for disciplinary reasons.

### **Faculty Disciplinary Procedures – Specific**

(a) **Severe Sanctions:** In order to initiate procedures for discipline for professional misconduct involving severe sanction(s), the VPAA will prepare a written statement of charges, the proposed severe sanctions, and a brief summary of relevant facts. The VPAA will deliver such written statement to the faculty member, together with notice of opportunity to meet and confer with the VPAA to attempt to resolve the matter by agreement. In the event that the matter is not resolved to the mutual satisfaction of the VPAA and the faculty member within thirty (30) days of delivery of the written statement, these disciplinary hearing procedures may be invoked by the notice of the VPAA to the faculty member. Hearings and final determination of the charges will be determined by use of the procedures set forth in the [Faculty Grievance Policy](#), supplemented and altered as follows:

**Hearings:** A hearing shall be held by a panel consisting of three members appointed by the VPAA from among the regular faculty.

The panel shall rule upon any suggestion that a member or members of the proposed panel should be excluded for cause. Replacements for excused members shall be chosen by the VPAA from among the regular faculty. The

hearing panel shall choose its own chair.

The principal responsibilities of the hearing panel are to develop a record, to make findings based on the record, and to forward a recommendation to the VPAA. Unless an extension is granted by the chair upon a showing of good cause, the hearing panel shall begin the hearing within 60 days of the referral of a matter.

The hearing panel shall not be bound by formal rules of evidence. The VPAA shall have the burden of proving the charge of misconduct. Both the faculty member and the VPAA shall be permitted to present evidence, to examine all evidence presented, to confront and question all witnesses, and to present arguments orally or in writing. The faculty member may act as his or her own representative or may utilize the assistance of another faculty member. The VPAA may designate an Institute employee or employees who will participate on behalf of the VPAA. Party representatives may not be currently working as attorneys. Proceedings shall be recorded. Absent the agreement of the parties, the hearing shall be open only to those directly involved in the proceedings.

The VPAA shall review and consider the panel’s report and make a recommendation to the provost as to whether or not the charges are sustained and if so, the discipline to be imposed. The provost will make a decision and notify the faculty member, and the panel. Decisions of the provost may be appealed to the president. All disciplinary decisions involving severe sanctions are ultimately subject to Board of Trustees approval.

**(b) Non-Severe Sanctions:** In the case of proposed sanctions which are not severe, the VPAA will prepare a written statement of charges, the proposed sanctions, and a brief summary of relevant facts. In the event that the matter is not resolved to the mutual satisfaction of the VPAA and the faculty member within thirty (30) days of delivery of the written statement, the VPAA may impose discipline which carries other than severe sanction. The VPAA will thereafter notify the faculty member in writing of the imposition of discipline. The VPAA may likewise impose sanctions that are not severe, while proceedings for severe sanctions under (a) above are pending. Imposition of sanctions that are not severe may be appealed to the Provost.

# Appendix A: Faculty Evaluation Schedule

## (1) By procedure type

<b>Sabbatical Leave</b>	<b>Deadline</b>
Faculty submission (with optional form indicating support from program chairs in lieu of a peer review committee)	<b>September 30</b>
Dean	October 15
FEC	November 30
VPAA & Administration Notification	<b>December 15</b>
 <b>Annual faculty evaluation and review</b>	
Faculty submission	<b>January 31</b>
Dean	March 15
 <b>All contract Renewal for Fall hires, and 2nd+ contract renewal for Spring hires</b>	
Faculty submission	<b>October 15</b>
Peer Review	October 31
Dean	November 30
FEC	March 31
VPAA	April 15

## Administrative Notification

**April 30****1st contract renewal for Spring hires** *\*There will be very few Spring hire contract renewals*

Faculty submission

**January 31**

Peer Review

February 15

Dean

February 28

FEC

March 31

VPAA

April 15

Administrative Notification

**April 30****Promotion Calendar**

Proposed names of external reviewers submitted by Candidate and Dean to the VPAA

October 1

Faculty submission

**January 15**

Peer Review Committee

February 15

Dean

February 28

FEC

March 31

VPAA sends to board for promotion to full

April 20

VPAA sends to Provost/President for approval for promotion to associate

April 30

Board meeting votes at Spring meeting on promotions to full professor

(May)

Administrative Notification

**June 1**

*Note: the faculty submission and administration notification dates (bolded above) are unshakeable and immutable. All other deadlines shall be followed, unless in exceptional circumstances when significant delay at one stage will inevitably push back subsequent deadlines.*

**(2) By participants****Faculty Submission****Deadline**

Sabbatical

September 30

Names of outside reviewers for promotion

October 1

All contract Renewal for Fall hires, and 2nd+ contract renewal for Spring hires

October 15

Promotion

January 15

1st contract renewal for Spring hires\*

January 31

Annual evaluations

January 31

**Peer Review Committee** *(No longer convened to review Sabbatical applications)*

All contract Renewal for Fall hires, and 2nd+ contract renewal for Spring hires

October 31

1st contract renewal for Spring hires\*

February 15

Promotion to Associate

February 15

Promotion to Full

February 15

**Dean's Review**

Sabbatical

October 15

All contract Renewal for Fall hires, and 2nd+ contract renewal for Spring hires

November 30

1st contract renewal for Spring hires\*

February 28

Promotion to Associate

February 28

Promotion to Full	February 28
Annual evaluations	March 15

**FEC**

Sabbatical	November 15
All contract Renewal for Fall hires, and 2nd+ contract renewal for Spring hires	February 28
1st contract renewal for Spring hires*	March 15
Promotion to Associate	March 31
Promotion to Full	March 31

**VPAA**

Sabbatical	December 15
All contract renewals	April 15
Promotion to Full - send to board for vote	April 20
Promotion to Associate - sent to Provost	April 20

**Administrative Notification**

Sabbatical (VPAA)	December 15
Contract Renewals (Provost/President)	April 30
All Promotion (Provost/President)	June 1

\*encompassing the provost, president and Board reviews where necessary

## Appendix B: AAUP Guidelines

### APPENDIX B: AAUP GUIDELINES

This material has been taken from the sections, “1940 Statement of Principles on Academic Freedom and Tenure” and “Student Rights and Freedoms,” in the 1995 edition of *AAUP Policy Documents & Reports*.

#### Academic Freedom

1. Teachers are entitled to full freedom in research and in the publication of results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based on an understanding with the authorities of the institution.
2. 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 that has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
3. College and university teachers are citizens, members of 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.

#### Student Rights and Freedoms in the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

1. Protection of Freedom of Expression — Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.
2. Protection Against Improper Academic Evaluation — Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.
3. Protection Against Improper Disclosure — Information about student view, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student.

## Appendix C: Faculty Evaluation Calendar by Semester

[MIIS Faculty Evaluation Calendar November 2022](#)↗

## D. Employee Handbook

Please choose from the following content:↗

- [D.1 Employment Policies and Practices](#)
- [D.2 Employee Relations](#)
- [D.3 Employee Benefits](#)
- [D.4 Employee Conduct](#)
- [D.5 Leaves of Absence](#)
- [D.6 Miscellaneous Considerations](#)

### D.1. Employment Policies and Practices

#### D.1.a. Introduction

This handbook is designed to provide all employees with clear, concise, and accessible information about employment at the Middlebury Institute of International Studies at Monterey.

This document is intended solely to provide guidance on the mutual expectations shared by the Institute and its employees. All staff members are employed at will as defined by California Law. Neither this handbook nor any other personnel document or oral statement, including benefit plan descriptions, constitutes an employment contract or creates any type of contractual obligation or promise or representation of continued employment for any staff employee. Neither the employee nor the Institute is bound to continue the employment relationship if either, at any time, chooses to end it.

The Institute reserves the right to change, revise, or eliminate any of the policies described herein, except for the policy of at will employment for staff members. The only recognized deviations from stated policies are those that are in writing, authorized and signed by the president of the College.

Some of the policies and provisions contained herein (such as holiday and CTO benefits) are not applicable to faculty. If you have any questions as to which policies are not applicable to faculty, please address them to the Human Resources Department. Additional policies and provisions that apply solely to the faculty are described in a Faculty Handbook section of the Institute Handbook.

While the Employee Handbook provides much detail, it does not cover every permutation of every situation. Questions should be directed to the Human Resources Office at ext. 3520. The College President is the final and binding interpreter of the provisions of the Employee Handbook as they apply to the facts of a particular situation.

### **D.1.b. About the Institute**

The Middlebury Institute of International Studies at Monterey is an academic community committed to preparing innovative professionals able to provide leadership in cross-cultural, multilingual environments. Founded in 1955 with a commitment to promoting international understanding through the study of language and culture, the Institute has graduated prominent leaders in foreign service and diplomacy, in language teaching, translation and interpretation, and in the international business and nonprofit communities.

Effective June 30, 2010, the Institute merged with Middlebury College following an affiliation with the College that was established in 2005. One of the country's leading liberal arts colleges, Middlebury is also home to the renowned Middlebury Language Schools, Schools Abroad in twelve countries, the Bread Loaf School of English, and the Bread Loaf Writer's Conference. Affiliation with Middlebury has created a unique opportunity for both institutions to have an even greater impact in the realm of global education.

As a graduate school of Middlebury College, the Institute is governed by the Board of Trustees of Middlebury College, which has also established a Board of Overseers of the Institute to review and advise the Institute regarding its operations and to make recommendations to the Board of Trustees of the College.

The Institute is organized into two graduate schools that offer professional master's degrees from its Monterey, California campus:

- The Graduate School of International Policy and Management
- The Graduate School of Translation, Interpretation, and Language Education

The Institute is also home to the James Martin Center for Nonproliferation Studies, the world's largest nongovernmental organization devoted to curbing the spread of weapons of mass destruction, and to a number of non-degree programs including intensive and customized language learning opportunities.

### **D.1.c. Diversity**

At the Institute, our international focus reinforces our emphasis on diversity in our student body and in our faculty and staff. The Institute recognizes the importance of treating every member of the community with fairness and respect and encourages inter-cultural understanding in all our dealings with each other, just as we embed cross-cultural competence in all our academic programs.

### **D.1.d. Non-discrimination, Anti-Harassment and Related Policies**

The Middlebury Institute of International Studies at Monterey, as a Graduate School of Middlebury College, falls under the jurisdiction of Middlebury College policy with regard to compliance with any and all federal and state laws that prohibit discrimination. Please see the Middlebury [Non-Discrimination Policies](#), which include the



Middlebury [Anti-Harassment/Discrimination Policy](#), and the [Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking](#).

### **D.1.e. Americans with Disabilities Act (ADA)**

The Institute recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) and California laws that are designed to eliminate discrimination against individuals with disabilities. The Institute does not discriminate against individuals with disabilities in any aspect of the employment relationship, and provides reasonable accommodations as required by law to otherwise qualified employees and applicants with disabilities except for undue hardship situations. Employment and educational opportunities or privileges will not be denied to an otherwise qualified employee or applicant because of the need for reasonable accommodation of the individual's disability. Discrimination based on an employee's or applicant's association with a disabled individual is also forbidden. Employees with disability-related concerns should contact the Human Resources Office to initiate the process of requesting an accommodation or to present a complaint of violation of this policy.

The Institute will make reasonable accommodations as required by law. Qualifying disabilities can include, for example, vision, hearing, or mobility impairments, psychological and medical conditions, and learning disabilities that limit one or more of an employee's major life activities and may necessitate non-essential modifications to the facilities or the job, but which do not prevent the employee from effectively performing, with reasonable accommodations, the essential functions of the job.

### **D.1.f. Employment Eligibility**

It is the policy of the Institute to employ only United States citizens and aliens who are authorized to work in the United States. In complying with the Immigration Reform and Control Act of 1986, it is against Institute policy to discriminate because of an individual's national origin, citizenship, or intent to become a U.S. citizen. In accordance with federal law, each prospective employee shall be required to provide, within 72 hours of employment, documents verifying her/his identity and authorization to be legally employed in the United States. In addition, the prospective employee will be required to sign a verification attesting s/he is legally employable in the United States. The Institute shall retain copies of the documents submitted by the employee. To the extent practical and appropriate, these documents will be kept confidential. However, the Institute is required to provide copies of the documents to the U.S. Department of Labor and the Customs and Immigration Service ("USCIS", formerly "INS") on request.

Providing false documentation or making false statements on the verification shall be grounds for immediate termination. During the course of employment, if the Institute requests further information relating to the employee's authorization to work in the United States, the employee shall furnish the information requested. Failure to cooperate in furnishing such information shall be grounds for discipline, up to and including termination.

### **D.1.g. Affirmative Action**

Middlebury College and the Middlebury Institute maintain Affirmative Action Plans, and commit themselves to good faith and lawful efforts to correct any under-representation or under-utilization that has been identified by the Institute as warranting such action. The Manager of Human Resources has been designated the Equal Employment Opportunity/Affirmative Action Officer for the Institute. Inquiries concerning the application of federal and state laws and regulations should be referred to the Human Resources Office.

### **D.1.h. Identification Cards**

All employees are expected to obtain an Institute photo identification card within the first week of employment. After submitting the required employment paperwork to the Human Resources Office, new employees may make arrangements to obtain identification cards by contacting Security at x4153. Identification cards are property of the Institute and must be relinquished at the conclusion of employment.

### **D.1.i. Background Screenings**

The Institute requires that all newly hired employees have a background screening, and in some cases a credit check, performed by a third party specialist organization.

Credit checks are conducted for positions in the Business Office, the Institutional Advancement Office and other positions with fiduciary duties or responsibilities, or with significant access to related information.

Any offer of employment made prior to the completion of the background check is conditional, contingent upon receipt of information satisfactory to the Institute.

All pre-employment background screenings are conducted by a third party to ensure privacy. Screenings are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal anti-discrimination and privacy laws. All screening reports are maintained separately from employee personnel files. Under the Fair Credit Reporting Act (FCRA), all background screenings are done only after a person has received a disclosure and has signed a release.

An individual who has previously been employed at the Institute and is returning to work after being absent for more than one year will be required to undergo a background screening.

An employee who transfers or is promoted to a position that has fiduciary responsibilities will be required to consent to a background screening.

These screenings will only be performed with the candidate's permission and only if the Institute intends to offer a candidate employment. If a candidate declines to give permission to conduct these screenings, s/he will not be eligible for employment at the Institute.

### **D.1.j. New Employee Orientation**

Orientation sessions are hosted by Human Resources and are designed to introduce new staff members to the history, culture, and mission of the Institute, as well as allow them to complete required employment paperwork. The orientation program provides employees with the opportunity to meet different members of the community, become acquainted with the campus, review Institute policies, and enroll in eligible benefit programs.

Each newly hired regular staff employee receives a job description and a letter of appointment summarizing the terms of employment, compensation rate, number of work hours per week, payment schedule, whether the employee is overtime exempt, whether the employee is eligible for benefits, and the name of the employee's supervisor.

New employees also receive orientation within their departments, covering safety procedures for the particular location and other matters pertinent to the position.

### **D.1.k. Introductory Period for New Employees**

All new or rehired employees work on a provisional basis for the first three months. Employees are encouraged to take advantage of this period to determine whether the position meets their expectations and to get clarification concerning responsibilities. The Institute will use this period to evaluate an employee's capabilities and work habits. Either the Institute or the employee may end the employment relationship at will, with or without cause, during the introductory period or thereafter.

Provisional employment status does not affect eligibility for employer-provided benefits.

A newly hired employee will receive a performance appraisal at the completion of the provisional period. Subsequent reviews occur annually on a schedule published by the Human Resources Office.

### **D.1.l. Personnel Records**

Disclosure of personnel files is restricted to authorized persons within the Institute. Any request regarding personnel files should be directed to Human Resources staff, who are the only people authorized to release information about current or former employees. Disclosure of confidential personnel information to outside sources is limited. The Institute generally will release personnel information to third parties if the employee has given her/his written authorization or if release of the records is needed to protect or advance the Institute's business interests or otherwise is lawful. The Institute will provide information as requested by authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

Employees are responsible for ensuring that their names, addresses and information about dependents or marital status are kept up to date in their personnel files. To ensure continuity of benefits, Human Resources should be informed immediately of any such changes. The Institute is required by law to maintain current employee records and for official purposes can rely only on existing records; the Institute is not responsible for accommodating any status change not communicated in writing (including via email) to the Human Resources Office.

Personal directory information about Institute employees (home address, phone number) is maintained for the purpose of facilitating essential communication and is disseminated only to those members of the Institute administration who have a need to know.

#### **D.1.m. Personnel File Access Policy**

Employees have the legal right to inspect certain documents in their personnel files. Such inspections must occur in the presence of a Human Resources representative at a mutually convenient time.

Employees may inspect or receive a copy of the personnel records that the Institute maintains relating to your performance or to any grievance concerning you. Certain documents may be excluded or redacted from your personnel file by law, and there are legal limitations on the number of requests that can be made.

Any request to inspect or copy personnel records must be made in writing to the Human Resources Manager. You may designate a representative to conduct the inspection of the record or receive a copy of the records. However, any designated representative must be authorized by you in writing to inspect or receive a copy of the records. The Institute may take reasonable steps to verify the identity of any representative you have designated in writing to inspect or receive a copy of your personnel records.

The personnel records may be made available to you either at 437 Pierce Street, Monterey, CA or at a mutually agreeable location (with no loss of compensation for going to that location to inspect or copy the records). The records will be made available no later than 30 calendar days from the date the Institute receives your written request to inspect or copy your personnel records (unless you/your representative and the Institute mutually agree in writing to a date beyond 30 calendar days but no later than 35 calendar days from receipt of the written request).

Disclosure of personnel information to outside sources, other than your designated representative, will be limited. However, the Institute will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

#### **D.1.n. Reporting Time & Payroll Issues**

All employees of the Institute are paid every other Friday on a bi-weekly pay period basis. If a payday falls on a holiday, employees will receive paychecks on the last working day of the week. The pay period begins on Monday and ends on the following second Sunday. The pay calendar can be downloaded from the [Employee Resources](#) section of the Institute's website.

Hourly and salaried staff are required to use the [BannerWeb](#) system to record hours worked and leave taken during each pay period. All time must be submitted by 3:00 PM on the Friday prior to the close of the pay period.

in order to be included in the next paycheck. Failure to submit time by the prescribed deadline may result in disciplinary action. Time reporting procedures for exempt staff are not for the purposes of evaluating the amount or quality of work performed nor for pay purposes, and do not alter the fact that exempt staff are not paid based on the number of hours worked.

If you feel your check may be inaccurate, first verify that your time was submitted accurately and on time. Issues regarding rate of pay, positions or titles and time off should be directed to Human Resources. Other paycheck issues, such as those involving taxes, should be directed to the Payroll department.

### **D.1.o. Employment Status**

The Middlebury Institute of International Studies at Monterey maintains the following staff employment status definitions. These definitions are used primarily to determine eligibility for benefits. The primary basis for determining employment status is committed hours, defined as regularly scheduled and budgeted hours assigned to a specific position. Regardless of the number of hours actually worked, on-call positions have no committed hours. Human Resources will work collaboratively with managers to determine the classification of each position.

**Regular staff employees** work on a regular schedule for an unspecified duration and are normally employed for a position as a result of open recruitment. Regular employees may be classified as full-time; part-time benefit eligible; part-time non-benefit eligible.

If a regular staff employee is classified as exempt, the employee is not paid based on the number of hours worked. If a regular staff employee is classified as non-exempt, the employee is paid based on the number of hours worked AND AN HOURLY RATE OF PAY.

**Full-time staff employees** are normally scheduled to work 37.5 hours per week. To be classified as full-time for purposes of benefits, an employee must be scheduled to work at least 32 hours per week (1664 hours per year). Full-time staff employees are benefits eligible.

**Part-time, benefit eligible staff employees** are scheduled to work at least 20 but less than 32 hours per week (between 1000 and 1663 hours per year).

**Part-time, non-benefit eligible staff employees** are scheduled to work less than 20 hours per week, or less than 1000 hours per year.

**Time-limited employees** are employed for an assignment of a “not to exceed” specific duration. A time-limited employee is eligible for benefits if the committed hours for his/her position totals 1000 hours in the 12 months following his/her appointment. Postgraduate Fellows are included in this category. Time-limited assignments may be extended; however, the employment status of an employee who works longer than the period originally expected and designated will not automatically change.

**On-call staff employees** work as needed on an hourly basis. Hours may vary from part-time to full-time. There are no committed hours attached to these positions. On-call staff are not eligible for benefits.

Staff positions funded from external sources will be classified into the appropriate job status as determined by job assignment and the duration of time that the position is not to exceed.

All staff employment, regardless of employment status definition, is at-will, at the mutual consent of the employee and the Institute. (See At-Will Employment, below.)

Part-time and time-limited employees may be ineligible for Institute Benefits. To determine eligibility for specific benefits consult the sections of this handbook addressing those benefits or, if applicable, the Summary Plan Descriptions.

Independent contractors and consultants are not employees of the Institute and are not entitled to employee benefits. Terms and conditions of their services are set forth in an agreement entered into between the Institute and the contractor.

If you have any doubt about your status as described above, contact the Manager of Human Resources.

The Institute reserves the right, at any time, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities. From time to time, employees may be asked to work on special projects or to perform other work necessary or important to the operation of the department or the Institute. Cooperation and assistance in performing such additional work is expected.

#### **D.1.p. At-Will Employment**

The administration of The Middlebury Institute of International Studies at Monterey hopes that every staff employee will find the employment relationship with the Institute satisfying and rewarding in all respects. At the same time, it recognizes that employment relationships are not always mutually satisfactory. To protect the rights of both staff employee and the Institute, employees should remember that employment is at the mutual consent of the employee and the Institute. As defined by the [California Labor Code](#), either the at-will employee or the Institute can terminate the employment relationship, at any time, with or without cause, and with or without advance notice. Staff members who work in positions with a pre-scheduled not to exceed end date, whether funded by grant or contract monies or otherwise known as a “fixed term” position are in at-will status during that time and subject to conclusion of employment at or before the scheduled end date.

#### **D.1.q. Work Schedule**

The Institute normally is open for business between the hours of 8:30 AM and 5:00 PM, Monday through Friday. Some departments, such as the library, are open extended hours. Supervisors are responsible for assigning individual work schedules. Employees are expected to be at their desks or work stations at the start of their scheduled hours, ready to perform their work. The workday (a consecutive 24-hour period) begins at 12:01 AM and ends at midnight. The workweek begins on Monday and ends on Sunday.

#### **D.1.r. Telecommuting**

The Institute places a high value on community and quality of service to its students. Generally, this means that faculty and staff need to perform their work on campus with their students and colleagues. We do recognize, however, that there may be circumstances in which an employee is unable to be present on campus, but could work effectively from another location. An employee who would like to explore this possibility should first speak with his/her supervisor, who will ascertain whether or not telecommuting is feasible, and if so, work with HR to develop a telecommuting agreement that ensures compliance with relevant state and federal regulations.

#### **D.1.s. Exempt/Non-Exempt Status**

Under state and federal laws regarding overtime pay, the Institute’s executive, administrative and support staff members are classified either overtime exempt or non-exempt. Exempt employees are paid a salary that covers all work and do not receive additional compensation for hours worked beyond their normal workweek. Determination of exempt or non-exempt status is made by Human Resources, based on the employee’s job description, state and federal law, and guidelines issued by the California Industrial Welfare Commission and U.S. Department of Labor.

#### **D.1.t. Compensatory Time Off**

Employees who are non-exempt under the Fair Labor Standards Act or the California Labor Code are not granted compensatory time off in lieu of overtime pay. All hours worked in excess of the employee’s normal workweek will be compensated as extra pay and should be recorded and submitted in the current pay period.

Exempt employees are paid a fixed salary intended to provide all of the compensation to which they are entitled. They are not entitled to additional compensation for extra hours of work or time off in lieu of additional compensation. Neither extra compensation nor compensatory time off will be owed or payable to an exempt employee upon separation from the Institute for any reason.

#### **D.1.u. Meal and Rest Periods**

Non-exempt employees working shifts lasting five hours or longer are entitled to a one-hour, unpaid meal period taken approximately in the middle of the work shift. Non-exempt employees working more than six-hour shifts may not “skip” the meal period to shorten the workday. If an employee is not provided a meal break, they will be paid one additional hour of pay at their regular pay rate. They are allowed paid ten-minute rest periods for every four hours of work or major portion thereof. Rest periods should be taken approximately halfway through the four-hour period. Rest periods cannot be combined or saved to create extended meal breaks, leave early, or arrive late. When necessary, supervisors are responsible for scheduling meal and rest periods.

#### **D.1.v. Voting (time off)**

In accordance with California Elections Code section 14000, employees who do not have sufficient time outside of working hours to vote at a statewide election may take off enough working time that — when added to the voting time available outside of working hours — will enable them to vote. The Institute will provide the employee up to two hours of time off with pay to vote. The time off for voting will be only at the beginning or end of the regular work shift, whichever allows the most free time for voting and the least time off from the regular working shifts, unless otherwise mutually agreed.

If by the third working day prior to the day of election employees know, or have reason to believe, that time off will be necessary to be able to vote on election day, they must give their supervisor at least two working days' notice that time off for voting is desired, in accordance with the provisions of this section.

#### **D.1.w. Call-In Pay (Reporting-Time Pay)**

In accordance with the State of California's Industrial Welfare Commission Wage Order 4-2001, the Institute will pay a minimum of two hours pay to non-exempt employees who are required to report to work on a day other than their normally scheduled workday. In addition, the Institute will pay non-exempt employees for half of the regularly scheduled workday if employees report to work as instructed and there is not work available, except if the interruption of work is because of the failure of any or all public utilities, or because of an act of God or other cause not within the Institute's power to control.

#### **D.1.x. Garnishment of Wages**

The Institute is obligated to comply with all wage garnishment orders. Questions regarding wage garnishment should be directed to Human Resources.

#### **D.1.y. Overtime**

Employees occasionally may be required to work extra hours. Exempt employees may be expected to work beyond their normal schedules, as their job responsibilities require, and do so without additional pay beyond their regular salary. Non-exempt employees receive additional compensation at the rate of time and one-half, for hours worked in addition to 8 hours per workday and/or 40 hours per workweek, up to 12 hours worked and thereafter at double time. For purposes of determining which hours constitute additional time, only actual hours worked in a given work week will be counted; sick leave taken, jury duty leave, or call-in/reporting time payment do not count towards hours worked. Failure to obtain one's supervisor's approval before working overtime may result in disciplinary action.

A workday begins at 12:01 AM and ends 24 hours later. A workweek begins each Monday at 12:01 AM.

All regular time and overtime hours must be accurately recorded on the non-exempt employee's timesheet and approved by the supervisor prior to payment. Tampering, altering, or falsifying time records will result in disciplinary action, up to and including termination.

### **D.1.z. Travel Pay**

Exempt employees are not paid on the basis of hours worked, and there is therefore no additional pay or compensatory time for time spent traveling.

Employees are reimbursed for all out-of-pocket travel expenses allowable under the Institute's travel guidelines.

For non-exempt employees, travel time (defined as time spent actively traveling between the normal work site and another location where work will be done) is considered work time and should be recorded as such on the time sheet.

Commuting time to and from the normal work place is not considered work time and is not compensated. If the employee departs from or returns to his/her home for work-related travel without first going to the normal work location, he/she should deduct the normal commute time from the travel time.

If the total number of hours worked (including travel) exceeds 8 hours in a day or 40 hours in a week, the employee is entitled to overtime pay calculated in accordance with the Institute's normal overtime policy.

Time spent during the course of travel on sleeping, eating meals, and other personal activities is not considered work time and is not compensated.

### **D.1.aa. Pay Advances**

The Institute does not provide pay advances.

### **D.1.bb. Direct Deposits**

Employees are eligible for automatic payroll deposit. They may initiate automatic deposit through the online [Banner](#) system. Automatic deposit can be started or stopped at any time.

### **D.1.cc. Payroll Records**

Employees may access their payroll records through the online [Banner](#) system.

### **D.1.dd. Performance Evaluations**

Each staff employee is scheduled to receive periodic performance reviews.

The first review takes place after the initial three months of employment. Employees who transfer to another position within the Institute are reviewed with respect to their original job at the time of transfer, and within three months of assuming the new position. HR will notify the new supervisor when the three month review is due. Subsequent evaluations are normally conducted annually. The employee and the supervisor each complete a written evaluation of the employee's job performance. They then share their evaluations with each other, and these documents form the basis for a discussion of the employee's performance and professional development needs. The employee signs the evaluation to indicate that s/he has discussed it with her/his supervisor and is aware of its contents. The signed evaluation is placed in the employee's personnel file.

Employees have the right to submit written responses to their evaluations, which will be added to their personnel files. Employee responses should be submitted within five working days of receiving their performance review.

Performance evaluations are intended to help employees recognize their progress, become aware of areas for improvement, and set objectives or goals for future work performance. Positive performance evaluations do not

guarantee increases in salary, promotions, or continued employment. Salary increases and promotions are solely at the discretion of the Institute and depend upon many factors in addition to performance.

While professional development goals are an expected component of performance evaluations in general, a specific, written performance improvement plan is mandated if an employee receives an unacceptable overall rating on a performance evaluation, if the employee's employment in that position is to continue thereafter.

### **D.1.ee. Progressive Discipline**

The Institute may choose in appropriate situations to utilize a progressive discipline system to serve as a fair and consistent means to enforce Institute rules and regulations and to address conduct or performance deficiencies. The purpose of progressive discipline is to retain employees through identification and correction of certain types of problems. Failure to correct such problems may lead to suspension or termination, and serious infractions may result in immediate termination. The Institute reserves the right to terminate the at-will employment of any employee at any time, with or without cause or notice; thus, progressive discipline is applicable or not, at the discretion of the Institute, for those situations deemed appropriate by the Institute.

If a situation, at the discretion of the Institute, warrants progressive discipline, the disciplinary actions applied may include a verbal warning, a written warning, a written reprimand, and/or termination from employment. Every action need not be taken in each case, and depending upon the relevant circumstances, the Institute may decide to take any disciplinary action, including immediate termination, at any time. Relevant circumstances that affect the course of disciplinary action may include the Institute's judgment as to the seriousness or severity of the individual employee's deficiencies in performance and/or conduct, prior performance and conduct, and management's assessment of appropriate factors identified during the investigation. Examples of some of the circumstances that in the Institute's judgment might lead to summary discharge include, but are not limited to:

- Conduct that is in opposition to the Institute's nondiscrimination or harassment policies;
- Sustained insubordination or refusal to comply with a reasonable request given by the supervisor or Institute official, or abusive treatment of a supervisor or Institute official;
- Theft of Institute property, personal property, or theft of service;
- Falsification of records, time cards, or claiming sickness under false pretenses;
- Disorderly conduct while on the job;
- Deliberate, frequent, and/or recurring violations of stated safety regulations, even if they are not intentional;
- Unexcused absence without notice for three days;
- Use or possession of, or being under the influence of illegal substances or alcohol while at work;
- Threatening physical harm, or actual physical violence to another member of the Institute community;
- Breach of confidentiality, which is defined as releasing to unauthorized persons, or misuse of confidential information to which an employee is privy because of her/his job.

### **D.1.ff. Promotions and Transfers**

Employees are encouraged to apply for promotions to positions for which they are qualified. Promotions and transfer decisions are based on the hiring supervisor's and/or his/her supervisor's judgment of ability, qualifications, and potential for the position. Some promotions or transfers may be offered without open recruitment.

### **D.1.gg. Employment: Internal Career Opportunities**

All vacant positions are posted on the Institute web site for a minimum of 5 business days and internal candidates have an opportunity to apply unless in a special circumstance a waiver of posting is granted by the president of the College.

Normally, an employee must have been in her/his current position for a minimum of 3 months before being eligible to apply for positions in other departments. If an employee is selected to interview for a position, and is a



final candidate, the employee should inform her/his current supervisor of her/his interest in the new position. If an employee is offered and accepts a position external to her/his current department, coordination between both departments, facilitated by Human Resources, may be required to ensure that the timing of such a transfer does not result in a hardship to the Institute. Normally, the transferring employee will assume her/his new duties two weeks after being selected for the new position.

#### **D.1.hh. Voluntary Termination of Employment/Resignation**

Resignation is defined as employment termination initiated by an employee who chooses to leave the Institute. An employee who is considering leaving the Institute for any reason is encouraged to discuss her/his situation with her/his immediate supervisor before making a final decision.

If the employee chooses to leave the Institute, it is expected that as much notice as possible will be given in order to give the Institute the opportunity to plan for a smooth transition. At least two working weeks' notice is customary for non-exempt (hourly paid) employees while administrative and professional staff (salaried) are asked to give at least one month's notice. A letter of resignation addressed to the department head, stating the final date(s) of employment, will be forwarded to Human Resources. Before leaving, the employee must visit the Human Resources Office to make benefit transition arrangements, to return all Institute property, and to have an exit interview with Human Resources.

An employee who fails to report to work for three consecutively scheduled workdays without notice to, and approval by, her/his supervisor (or the Manager of Human Resources if the supervisor is not available) will be considered to have abandoned her/his job and will be considered to have resigned unless, in the sole judgment of the Institute, a true and reasonable excuse is thereafter offered and accepted by the Institute.

CTO time may not be taken in lieu of working the last two weeks of employment. The termination date is the actual last day of work. All unused accrued CTO hours will be paid on the employee's last day of work.

All Institute-owned property (vehicles, keys, identification cards, parking permit, credit cards, laptop computers, uniforms, etc.) must be returned immediately upon termination of employment in order to receive final payments.

#### **D.1.ii. Institute Re-employment**

Consideration for re-employment is based on qualifications and demonstrated ability, as well as prior job performance and fitness for Institute employment. An employee who was terminated by the Institute in a manner such that the employee left not in good standing may not be re-employed.

#### **D.1.jj. Emeritus Status**

Emeritus status may be granted to retiring staff as a special recognition for exemplary work performance and outstanding, loyal, and dedicated service to the Institute. To be eligible for consideration for Emeritus status, an employee must be in retirement status from the Institute, have at least ten years of service in a full-time regular position, be nominated by the senior administrator of her/his department, and have the approval of the VPAA.

#### **D.1.kk. Retirement**

There is no mandatory retirement age for Institute employees; they may continue working without regard to age, subject to provisions concerning at-will and other termination of employment. Continuing employees nearing age 65 should contact Human Resources regarding Medicare coverage and certain decisions that must be made about health insurance coverage at age 65.

An employee planning to retire should consult Human Resources six months prior to her/his expected retirement date.

Retirement plan participants should initiate procedures for receipt of retirement income benefits by writing directly to the retirement plan office. Payment of benefits to any continuing employee who participates in a retirement plan is subject to terms established by that plan.

Although the Institute has no retirement age, work restrictions may be imposed under TIAA-CREF. Employees should refer to the TIAA-CREF summary plan description for details.

### **D.1.ii. Reductions in Force**

Under some circumstances, the Institute may restructure or reduce its workforce. If so, the Institute will make a reasonable effort to inform affected employees in advance. Employees to be laid off will be told the expected duration of the layoff if known. In determining which employees will be laid off, the Institute will identify the positions to be reduced and in selecting for retention among staff members performing in the same position to be reduced, will consider its operating requirements and other factors, including employees' skills, productivity, ability, past performance, and, where other factors are equal in its judgment, their length of service.

Managers considering reorganization of their units should consult with Human Resources. They will be expected to complete a specific process as outlined in the Reorganization and Severance Policy, in partnership with Human Resources.

### **D.1.mm. Exit Interview**

Employees ending employment at the Institute, whether voluntarily or involuntarily are strongly encouraged to meet with Human Resources staff for an exit interview. This interview will normally occur on or before the employee's final workday. During the interview, the Manager of Human Resources or designee may ask for information about working conditions and the employee's relationship with her/his supervisor and fellow staff members and will discuss employment benefits conversion. The employee also will have the opportunity to suggest ways to improve Institute operations. It is the employee's responsibility to return all Institute property (vehicles, keys, identification cards, parking permit, credit cards, laptop computers, uniforms, etc.) by her/his final day of employment.

## **D.2. Employee Relations**

### **D.2.a. Problem Solving Procedure**

The Institute strives to maintain effective employer-employee and employee-employee relations within the context of the at-will employment relationship. The Institute seeks to promote open communication between its employees with appropriate involvement of Human Resources, if necessary, to facilitate a resolution of employee concerns. Employees are encouraged to bring concerns directly to the attention of their immediate supervisor or, if uncomfortable in doing so, to their second level manager, or Human Resources. If the concern remains unresolved, formal Institute resources should be engaged through the Human Resources office. After a minimum of two rounds of problem solving involving a member of the Human Resources Office, the employee may file a grievance.

### **D.2.b. Grievance Procedure**

Individuals who are actively employed by the Institute may avail themselves of the grievance procedures if an issue concerns a person, situation, or policy that the employee believes is adversely impacting her/his conditions of employment. A grievance is understood to be a work-related problem, condition, or complaint not covered by the Institute's harassment policy that an employee believes to be unfair, inequitable, discriminatory, or a hindrance to her/his effective operation. Concerns regarding harassment or other behaviors noted in the Institute's harassment policy, salary surveys, wage and salary levels, position description re-evaluation, and job

dates are not appropriate for the grievance process but other procedures are available. The grievance policy also does not apply to issues related to faculty contract renewal and promotion, or faculty misconduct as described in the Faculty handbook.

If an employee believes that s/he is being subjected to harassment or other behavior noted in the Institute's harassment policy, then s/he should promptly present a complaint under the Institute's harassment policy set forth above in this Handbook.

The employee must have attempted the problem solving process (see above) prior to filing a grievance.

### **A. Filing a Grievance**

The formal grievance process begins with the creation of a written document detailing the situation. Specifically, the grievance must provide the following information:

- the employee's name,
- what s/he does,
- what the grievance is,
- how it relates to her/his employment,
- how the problem could be resolved,
- who the other parties are,
- what policies are involved, and
- what has been done to date to resolve the problem or concern.

The grievance must be sent to the Human Resources Manager (or, in the event that the grievance is with the Human Resources Manager, to the HR Manager's supervisor).

### **B. Formation of the Grievance Review Committee**

Upon receipt of the written grievance, the Human Resources Manager creates a Grievance Review Committee (GRC). The three-member GRC consists of one person from Human Resources and two disinterested and impartial members of the Institute employee community drawn from departments or sectors other than those of the parties to the grievance. In appointing GRC members, care is taken to avoid direct supervisors, known personal relationships, or other conflicts of interest that could hinder an impartial decision. GRC appointees are charged with upholding the confidentiality of all proceedings.

### **C. Timeframes**

Generally, Human Resources will acknowledge the receipt of the grievance and the formation of the GRC within one week of receiving the grievance. Within one week of its formation, the GRC will meet with the employee. Due to CTO/holiday schedules and illness, a specific timeframe for the process cannot be made. The GRC will complete its charge as soon as possible.

### **D. GRC Initial Meeting**

Once the members have been selected and confirmed, the GRC convenes its first meeting. The focus of the initial meeting is to:

- select a chairperson to facilitate the meetings.
- choose a recorder to record the meetings.
- meet with the employee who filed the grievance and review the grievance with her/him.

During the meeting with the employee who has filed the grievance, the GRC must ascertain that:

- the grievance is not a simple misunderstanding that can be resolved immediately by the GRC,
- the grievance contains the required information, and
- the GRC understands the grievance.

## **E. Possible Outcomes**

Upon completion of the initial meeting of the GRC, there are a variety of possible decisions that may be made. They include the following:

- the employee may withdraw the grievance,
- the GRC and the employee may come to the realization that the grievance has been resolved,
- the grievance may be edited and refiled, or
- the grievance may remain unchanged.

## **F. Continuing the Process**

If the decision to continue the grievance is made, the GRC will:

- begin gathering facts pertaining to the grievance,
- review Institute policies and procedures, and
- meet with all parties pertinent to the grievance in an attempt to resolve the situation.

## **G. Making the Determination**

Once the GRC has reached a decision, it will meet with all major parties to the grievance and share its findings. The decision will be communicated to the appropriate individuals within the Institute administration for implementation. The decision of the GRC is final unless appealed or unless in her/his sole discretion, the VPAA alters the committee decision.

## **H. Documentation**

In order to make certain that documentation pertaining to the grievance process is created, maintained, and kept confidential, the following steps are taken:

- The GRC maintains written meeting summaries.
- All meeting participants sign every summary.
- Information is shared with individuals external to the meetings only upon unanimous agreement of the participants.
- A copy of all work done by the GRC will be placed in an envelope and stored in a separate file (i.e., not the employee's personnel file) in the Human Resources Office as a confidential item.

Once an employee has filed a grievance concerning a particular issue, another grievance on the same issue cannot be filed. For example, if an employee files a grievance regarding a particular section of her/his annual performance review, a grievance pertaining to a different section of the same review cannot be filed at a later date.

## **D.2.c. Appealing a Grievance Decision**

There are times when an employee, after following the informal and formal procedures outlined above, may believe that satisfactory resolution was not attained. The Institute has established staff appeals procedures to provide a fair and impartial process of which employees may avail themselves under certain conditions to appeal grievance decisions. The conditions under which an employee may file a grievance appeal are:

- new evidence,
- demonstrable prejudice violative of Institute policy in the original GRC's actions, and/or
- failure by the GRC to follow the grievance procedures.

## **A. Grievance Appeals**

In order to initiate the grievance appeals process, the employee must submit a written request to the VPAA of the Institute within ten working days following notification of the decision. Contained within the written request must be reasons for the appeal.

Within five working days of receipt of the request, the VPAA or her/his designee appoints an Appeals Board to hear the appeal.

## **B. Composition of the Appeals Board**

In order to assure the creation of a well-balanced, impartial board, the 3-member Appeals Board is composed of:

- One administrator from the VPAA's senior staff
- One staff member
- One faculty member

To ensure impartiality and fairness, no one is eligible to serve on the Appeals Board who heard the original case, has a conflict of interest, or is the senior administrator of any of the parties involved. Conflict of interest includes employment in the same department, or family relationship with any person involved as a principal in the case, or other relationship/circumstance that might render the process unfair to any parties involved.

The names of the Appeals Board members are conveyed in writing by the VPAA or designee to the two parties within 5 working days of initiating the appeals process. The VPAA or designee convenes the Appeals Board no later than ten working days after initiation of the appeals process.

Upon selection to the Appeals Board, if a designee is unable to participate in the hearing in a fair and impartial manner for any reason, s/he will be disqualified and another person selected. Attendance at all meetings is required.

## **C. The Initial Meeting of the Appeals Board**

Within ten days of the initiation of the appeals process, the Appeals Board convenes its first meeting. The focus of the initial meeting is to:

- choose a chairperson to facilitate the meetings.
- choose a recorder to record the meetings.
- review the written request for an appeal.
- determine whether the appeal has merit.
- set timelines for the appeal.

## **D. The Grievance Appeal Process**

The Appeals Board holds individual and collective responsibility for deliberating in a manner that demonstrates sensitivity to the matters brought forth and respect for those involved in the process. To that end, all proceedings of the Appeals Board are kept confidential.

The Appeals Board provides all sides involved the opportunity to present their views as well as cross-examine each other. The appellant and appellee may testify on their own behalf before the Appeals Board. The Appeals

Board may make the request of both or either party. While no legal counsel is allowed at a hearing, the appellant and appellee each may bring one support person from the Institute community to the proceedings.

In cases in which a person who is not called to meet with the Appeals Board wishes to do so, the Appeals Board will vote on whether the meeting may occur. A majority of Appeals Board members are required to allow the person to present information.

In cases in which additional information is brought forth once the Appeals Board has finished its interviews and begun deliberations, a majority of Appeals Board members need to agree to reopen the hearings.

The members of the board consider carefully the information presented, and deliberate on the matter before as a board reaching a conclusion. The conclusion is reached by majority vote.

### **E. Appeals Determined Not to Be Valid**

If the Appeals Board determines that the grounds for the appeal are not valid, the appeal process ends.

### **F. In Cases Involving New Evidence**

Upon review of the case, if the Appeals Board determines that the grounds for the appeal are valid based upon new evidence presented, the Appeals Board will refer the case back to the original GRC. The new information will be provided with a request that the committee reviews the case.

### **G. Documentation**

In order to make certain that documentation pertaining to the appeal process is created, maintained, and kept confidential, the following steps are taken:

- The Appeals Board maintains written meeting summaries.
- All meeting participants sign every summary.
- Information is shared with individuals external to the meetings only upon unanimous agreement of the Appeals Board.
- A copy of all work done by the Appeals Board will be placed in an envelope and stored in a separate file (i.e., not the employee's personnel file) in the Human Resources Office as a confidential item.

### **H. Conclusions**

Upon reaching a conclusion, the board forwards its decision to the VPAA. In her/his sole discretion, the VPAA may choose to alter or not alter the appeal committee decision. Once the grievance has been through the appeals process, it cannot be appealed further.

## **D.3. Employee Benefits**

In addition to the general description of benefits provided below, employees should consult the summary plan descriptions provided for each specific plan. All such benefits are subject to change, with or without advance notice, at the discretion of the Institute.

### **D.3.a. Paid Time Off Policies**

The Middlebury Institute at Monterey offers two paid time off policies, Combined Time Off (CTO) and CA Sick Leave (CSL), both of which comply with California's Paid Sick Leave law. Eligibility for these benefits is based

on employment classification: benefits-eligible staff employees fall under the CTO policy, while all faculty and all student employees as well as all non-benefits eligible staff employees are eligible for CSL.

*Employees should refer to the Combined Time Off and/or the California Paid Sick Leave policies for details on these time off benefits.*

D.3.b. California Paid Sick Leave

A. Allowable Uses

Up to 24 hours per year of California Paid Sick Leave (CSL) may be used for the diagnosis, care, or treatment of an existing health condition or for the preventive care of an employee, or an employee’s immediate family member. Covered family members include spouses, registered domestic partners, children, parents (including step-parents and parents-in-law), grandparents, grandchildren and siblings. Paid sick days are also available for employees who are the victims of domestic violence, sexual assault, or stalking.

CSL may not be used for “personal” absences or as vacation time.

B. Eligibility

CSL benefits are available for all faculty and all student employees as well as staff employees classified as non-benefits-eligible who have worked for the Institute in California for 30 or more days within a year from the commencement of employment.

C. CSL: Accrual and Lump-Sum Versions

There are two versions of CSL, “Accrual” and “Lump Sum”, each with slightly different rules regarding allocation of time, carryover, and procedures for recording time used. Other rules such as allowable uses and maximum annual time are the same for both versions of CSL. The chart below shows the differences:

Version	Eligible Employee Types	CSL Allocation	Carryover Rules	Recording Time Used
CSL-Accrual	Student Employees	.0334 hours of CSL are accrued for each hour worked (1 hour of CSL accrues for every 30 hours worked), up to a maximum accrual of 48 hours.	Accrued, unused CSL will carry over each year, subject to the 48 hour cap.	Use code “CA Sick Leave” on BannerWeb time-sheet.
	Non-Benefits-Eligible-Staff Employees			
	Faculty Employees			
CSL-Lump-Sum	Dual-Role (Faculty/Staff) Employees	Receives a lump sum credit of 24 hours each July 1st (or date of hire for new employees).	Unused time will be forfeited June 30th each year.	Within 3 days of absence notify HR of time used via email.

D. Using CSL

Eligible employees:

- Can begin to use available CSL on the 90th day of their employment.
- Must use CSL in a minimum increment of one hour.
- Must provide “reasonable advance notification” of their need to use CSL as soon as practicable, either orally or in writing.

- Who are absent for longer than three days due to illness may be required to give medical evidence of illness and/or medical certification of fitness to return to work.

#### **E. Protections Under the Law<sup>2</sup>**

The CA Paid Sick Leave Act contains strong protections for employees. The Act forbids employers from:

- Denying employees the right to use accrued paid sick days (once the 90 waiting period has passed).
- Taking any action against an employee for using accrued sick days or attempting to exercise the right to use accrued sick days. Prohibited actions include discharge, threat of discharge, demotion, suspension or any manner of discrimination.
- Retaliating against employees who file complaints alleging violations of the Act, or who cooperate in an investigation or prosecution of an alleged violation or oppose any policy, practice or act prohibited by this law.

#### **F. Other Important Information<sup>2</sup>**

- CSL is not recognized as hours worked for purposes of overtime pay.
- Employees are not entitled to be paid for accrued but unused CSL or unused CSL from a lump sum allocation, upon resignation or termination of employment.
- If an employee is rehired within a year of his or her separation, the Institute will reinstate any unused CSL that was previously accrued/granted and unused.
- Available CSL balances will show on employee paystubs and may be viewed on Banner Web.
- An employee based in another state who works in CA for at least 30 days in a year will also be subject to the CSL policy (or the CTO policy, if applicable).
- Employees who work in cities that have paid sick leave ordinances that are more generous than the California Paid Sick Leave law may be covered by the local ordinance. Contact HR for further information.

### **D.3.c. Holidays**

Eligibility for holiday pay begins on the date of hire.

To be eligible for holiday pay, staff employees must be regularly scheduled to work on the day on which the holiday is observed. If employees are required to work on a paid scheduled holiday they will receive Holiday Premium Pay (time and a half). Benefit-eligible employees required to work on a paid scheduled holiday will receive Holiday Premium Pay in addition to holiday pay. Regular part-time employees receive prorated holiday pay.

The Middlebury Institute of International Studies at Monterey observes the following paid holidays:

- January 1 (New Year's Day)
- Martin Luther King Jr.'s Birthday
- Thanksgiving Day and the Friday after
- Christmas Day

The Institute is closed the week between Christmas Day and New Year's Day. These are paid holidays for all staff members eligible for holiday pay.

In addition, the following holidays are considered "floating" holidays:

- Memorial Day



- July 4th (Independence Day)
- Labor Day

Normally, the Institute will be closed on these holidays, and all CTO eligible employees will be expected to record CTO time taken on their time sheets. CTO accruals have been expanded from the former schedule of vacation accruals to account for this change. If a particular department needs to remain open on a floating holiday in order to support an Institute function, employees of that department will be so informed by their manager, and will be able to use their CTO hours on another day.

When a holiday falls on a Saturday or Sunday, it is usually observed on the preceding Friday or the following Monday, respectively. However, the Institute may close on another day or grant other time off within the pay period instead of closing. Any changes to holiday observance will be announced in advance.

#### **D.3.d. Combined Time Off (CTO)**

Eligible staff employees accrue CTO in accordance with the following schedule:

##### **Length of Service Hours per Pay Period Days per year**

0-2 years	7.5	26
2-10 years	8.94	31
10-20 years	10.39	36
20+ years	11.54	40

CTO accrual begins on the date of hire.

Faculty and temporary employees are not eligible for CTO.

CTO accrues in hours after each biweekly payroll is run. CTO is not accrued while in an unpaid status.

Employees must receive approval from their supervisors before they may take time off from work, with or without usage of CTO hours.

Eligible part-time staff who qualify for CTO benefits accrue CTO hours on a prorated basis, based on the accrual rate earned by regular full-time employees.

CTO hours taken are considered hours worked for purposes of overtime calculation. The Institute does not allow borrowing against future CTO accrual. CTO will not be paid in lieu of taking time off, except upon termination of employment.

If an Institute recognized holiday falls during an employee's scheduled vacation, the employee will receive holiday pay for the day if s/he is eligible for such pay and will not be charged for CTO for the day.

For full-time employees, CTO accrual ceases when the employee's CTO account reaches the maximum of 187.5 hours (25 days). Accrual will resume when some CTO is used so that the total number of hours is below the maximum. Prior to reaching the accrual limit, employees may choose to transfer some of their accrued CTO hours into Sick Leave Reserve (SLR), which can be used only for those purposes described under Sick Leave Reserve, below. There is no limit to the number of hours that may be accumulated in SLR. It is the employee's responsibility to monitor CTO accrual and to make the transfer to SLR in Banner as needed.

The Institute does not grant any alternative form of compensation for any period of time during which the accrued CTO was at the maximum. It is the employee's responsibility to keep track of her/his accrued CTO time and CTO days used, and to transfer hours to Sick Leave Reserve as desired.

#### **D.3.e. Sick Leave Reserve**

Employees may use CTO hours to provide a cushion for incapacitation due to illness or injury. They may also use hours they have transferred to Sick Leave Reserve. Sick leave reserve may only be used for legitimate illness or injury to the employee or to care for members of the employee's immediate family who are in need of care by the employee due to illness or injury of the eligible immediate family member. ("Immediate family" is defined for this purpose as the employee's parent, spouse, domestic partner, child, or sibling; or another closely related person living in the household.) Sick Leave Reserve may also be used for time off for medical and dental appointments. The Institute will not tolerate abuse or misuse of sick leave reserve.

Sick leave reserve is not vested and is not payable upon separation of employment. If an employee is absent three consecutive days due to illness or injury, medical evidence of her/his condition may be required before the Institute honors any sick leave reserve usage.

At retirement, accumulated SLR days may be used to extend a staff employee's insurance coverage. To be eligible for retirement, a staff member must have worked for the Institute for ten consecutive years after attaining the age of 45. Every accumulated sick leave reserve day will convert to an insured day (weekends and the holidays listed in this handbook do not reduce Sick Leave Reserve). For each insured day the Institute will pay 100 percent of the premium to continue the medical and dental benefits for the enrolled employee and enrolled eligible dependents, until the end of the month in which the last insurance day is used. *Example: If an employee retires with 30 accumulated sick leave reserve days on July 1, 2010, the employee's converted sick leave reserve would run out on August 12, 2010 and his or her insurance would continue until August 31, 2010.* Retiring part-time employees may transfer CTO hours to SLR prior to their retirement, and these hours will convert to paid insurance days at a conversion rate of 7.5 hours per day. CTO days that are not transferred prior to the last day of employment will be paid as wages in the final paycheck.

### **D.3.f. Medical Leave Assistance Fund (MLAF)**

There are circumstances in which an employee may find him/herself in an emergency medical situation without enough accrued CTO (Combined Time Off) or SLR (Sick Leave Reserve) to cover the amount of time required for the absence. At such times, if the employee meets the prerequisites, he/she may make application to the fund for up to 150 hours of paid sick leave reserve within a 12-month period. Appeals can be made for further use of the Medical Leave Assistance Fund (MLAF) in situations requiring absences of a longer duration.

An emergency medical situation is defined as the incapacitation of an employee for an extended period of time due to a non-work-related illness or injury or quarantine, which creates a financial hardship as the employee has exhausted all accrued CTO and SLR. The emergency medical situation may relate to either the employee or a member of her/his immediate family. The latter refers to an employee's spouse, domestic partner, parent, parent of a spouse, and child, stepchild, foster child, or ward.

#### **A. Prerequisites for applying to the fund:**

1. The employee must be employed at the Institute for six-months.
2. The employee must be eligible to accrue CTO.
3. Prior to application to the fund, the employee must have exhausted his/her CTO and SLR.
4. During the time away from work, the employee must not be receiving any disability benefits, worker's comp payments, or other type of Institute-related payments.
5. The employee must have received no written warnings or reprimands for excessive absenteeism during the year prior to the request to the Medical Leave Assistance Fund.

#### **B. Application to the fund:**

1. The employee or his/her representative, if the employee is medically unable to do so, must request an application form from the Human Resources Office.
2. The employee or his/her representative must provide all information requested on the application.
3. The employee's or immediate family member's physician must complete a certification form, if FMLA/CFRA is not being used. In cases in which the FMLA/CFRA is applicable, please make note of it on the application form.
4. The employee or his/her representative must return the completed application and physician's form to the Human Resources Office.

#### **C. Administration of the fund:**

1. Upon receipt of the application, the Manager of Human Resources will review the application for completeness. S/he will review the applicant's employment information to ensure all eligibility requirements have been met.
2. Upon review of the application, the Manager will contact the applicant or his/her representative. If the applicant does not meet the requirements, the Manager will advise the employee or his/her representative of the decision.
3. If all eligibility requirements have been met, the Manager will ask the employee or his/her representative whether his/her name should be used in the staff query.
4. Once an application has been approved, the Manager will send an e-mail to all benefits eligible staff, advising staff that an application to the fund has been made. The notice will ask that the recipient post the request for those without immediate e-mail access. The employee's name will be used only if permission was given on both the application and upon interview with the Manager. Staff members who are interested in donating time will complete a donation form and return it to the Manager. While the donation will be made in time increments, the number will be converted to dollars based on the donor's rate of pay.
5. Upon receipt of MLAF donations, or if there is residual time in the fund, the Manager will transfer the approved amount of time into the employee's SLR account. This will be based on the employee's rate of pay.
6. The employee will be paid the donated time through the regular biweekly pay process, and therefore will be paid a maximum of 75 hours per pay period depending on his/her regular schedule.

*Example:* An employee makes application for one week's amount of SLR and is approved for funding. The applicant makes \$8.00/hour and works a 37.5 hour workweek. This translates into a maximum of \$300/week that can be requested per week. The donor makes \$12.00/hour and works a 37.5 hour workweek. This translates into a donation of \$450 for one week's worth of CTO. Upon distribution of the donated time, the approved applicant will receive \$300 while the MLAF will contain a balance of \$150 to be used in the future by other approved applicants. The remaining amount will not be re-deposited into the donor's CTO account.

7. If no donations are made and there is no balance in the fund, the applicant will not receive any payment. If partial funding of the approved applicant's request can be made, it will be paid. The remainder cannot be made up in a future payment.

#### **D. Donation to the fund**

An employee who has a minimum of 80 hours of CTO and/or SLR may make a maximum contribution of 10 hours of CTO to the MLA fund. This is done by completing the Donor form and sending it to the Manager of Human Resources. SLR and/or CTO hours cannot be donated to the Medical Leave Assistance Fund upon notification of termination of employment.

### **D.3.g. Social Security & Medicare (FICA)**

In compliance with the Federal Insurance Contributions Act (FICA), the Institute contributes one-half of the total tax prescribed by law, and each employee contributes one-half through payroll deductions. Social Security provides retirement benefits, disability benefits, life insurance/survivor benefits, and medical insurance. Please direct all questions concerning social security coverage to the local offices of the Social Security Administration.

### **D.3.h. Insurance Benefits**

Regular staff members who normally are scheduled, and who work 20 hours or more per week, are eligible for enrollment in the Institute's medical, dental, vision, long-term disability, and life insurance programs.

Coverage is effective the first day of the month coinciding with or following the date of employment. The enrollment period is for 30 days from the date of eligibility.

Institute Employees participate in the Middlebury College Health and Welfare Benefits plans. For details about eligibility and coverage, please see the Summary Plan Descriptions for each benefit program, provided to each eligible employee and available from the Human Resources Office.

#### **A. Medical Insurance**

The Institute currently provides a comprehensive medical insurance plan for employees and their eligible dependents. The employee's contribution, determined by the President and approved by the Board of Trustees, will be deducted each pay period for the elected coverage.

Dependent coverage, which is substantially subsidized by the Institute at this time, is available at the employee's option. The employee contribution for dependent coverage is paid through payroll deduction.

In the event of an increase in medical insurance premium rates, employees may be required to contribute to the cost of increased premiums to retain coverage. Notice of such increases will be made to employees as they occur.

When employees terminate employment (and under certain other circumstances), except in cases of gross misconduct, they have the option of continuing insurance benefits at their own cost plus a minor administration fee, as provided by the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). Specific information on COBRA can be obtained from Human Resources, and will be provided when employees enroll in the benefits plans and when they end qualifying employment at the Institute.

#### **B. Dental and Vision Insurance**

The Institute currently provides dental and vision insurance plans for qualified employees and their eligible dependents. Dependent coverage is at the employee's option and expense, and is paid through payroll deduction. Please refer to the applicable Summary Plan Description, available from the Human Resources Office, for details of the plans.

#### **C. Long-Term Disability Insurance**

The Institute currently provides a long-term disability (LTD) insurance plan for qualified employees. LTD insurance provides partial income replacement for long-term absence when an employee is totally disabled. Please refer to the Summary Plan Description, available from the Human Resources Office, for details of the plan.

#### **D. Life Insurance**

The Institute currently provides a life insurance plan for qualified employees. Benefit level is determined by base salary. Please contact the Human Resources Office for details of the plan.

#### **E. Accidental Death and Dismemberment Insurance<sup>2</sup>**

The Institute currently offers Accidental Death and Dismemberment Insurance (AD&D) for qualified employees and their eligible dependents. Employees pay the full premium for this optional coverage through payroll deduction. Contact the Human Resources Office for details of the plan.

#### **D.3. i. Literacy Education**

California Labor Code Sections 1040-1044 require employers to reasonably accommodate and assist employees in need of literacy education. Institute employees wishing to improve their literacy should contact Human Resources. The Institute itself does not offer literacy education, but Human Resources can provide assistance in the following ways:

- helping employees enroll in adult literacy education programs;
- arranging for literacy education providers to visit the Institute; or
- providing contact information for local literacy education programs.

The Institute will attempt to assist the employee if the accommodation requested would not result in an undue hardship. The Institute does not provide paid time-off for participation in such programs.

#### **D.3.j. Employee and Family Assistance Program**

The employee assistance program, provided through E4, helps employees and their family members with personal problems. It is available at no cost to all Institute employees and their family members. Employee assistance is confidential; when an employee or family member contacts the program, the employee's supervisor will not be informed. The goal of the program is to assist staff members to resolve personal problems before they adversely affect an employee's ability to perform her/his job effectively. For more information go to the [e4Health](#) website.

#### **D.3.k. Retirement Plan**

The Middlebury College retirement program includes 401(a), 403(b), and 457(b) plans, all of which are administered by TIAA-CREF. The plans are designed to offer various advantages to eligible employees, such as a generous employer contribution, tax advantages, and retirement, death, and disability benefits. For information regarding eligibility, contributions, benefits and tax status, contact the Human Resources Office. As a condition of employment, eligible employees are required to participate in the 401(a) plan (called the "Core Retirement Plan"). Employees who are not eligible to participate in the group retirement plan, and who wish to contribute to an individual plan available through payroll deduction, should contact the Human Resources Office for more information.

#### **D.3.l. State Disability Insurance (SDI)**

Each employee, except those who claim valid exemption, currently contributes to the State of California to provide disability insurance pursuant to the California Unemployment Insurance Code. Contributions are made through a payroll deduction. Coverage begins with the first day of employment and applies without regard to the number of hours worked per day or length of contract.

Disability insurance is payable when an employee cannot work because of illness or injury not caused by employment at the Institute or when an employee is entitled to temporary workers' compensation at a rate less than the daily disability benefit amount.

Unemployment insurance and disability insurance benefits cannot be paid for the same period.

It is Institute policy to integrate SDI payments with salary continuance payments for covered disabilities (see sick leave policy). Specific rules and regulations governing disability are available from the Human Resources Office.

### **D.3.m. Flexible spending accounts**

Sometimes referred to as a cafeteria plan, flex plan, or a Section 125 plan, a Flexible Benefits Plan lets you set aside a certain amount of your paycheck into an account before paying income taxes. During the year you have access to this account for reimbursement of expenses you regularly pay, such as health-care and dependent daycare. When you use tax-free dollars to pay for these expenses, you realize an increase in your spending power and substantial tax savings.

Additional information about options and limitations is available in the HR office.

### **D.3.n. Employee Educational Assistance**

After one year of benefits-qualifying employment, full-time employees and part-time benefits-eligible employees may register tuition-free for one Institute course or four units, whichever is greater, per term or semester. A tuition credit form, available from the Human Resources Office, must be completed and signed by the employee and his/her supervisor, and by representatives of the registrar's, cashier's and HR offices. If the course is scheduled during normal working hours of a non-exempt staff member, an amended work schedule for the semester or duration of the course must be submitted for the file in the Human Resources Office.

Tuition benefits above \$5,250 are taxable, and taxes will be withheld from employee's pay during the semester of attendance, as required by the IRS.

### **D.3.o. Educational Assistance for Dependents of Employees**

After one year of qualifying employment, a full time employee's dependents may register for up to and including a full load of courses free of tuition. Dependents include spouses; domestic partners; and dependent children as defined by the Internal Revenue Code of the United States. Dependents of part-time staff are not eligible for tuition credit. A tuition credit form, available from the Human Resources Office, must be completed and signed by the employee and by representatives of the registrar, cashier and HR offices.

The services of the Custom Language Services (CLS) are not included in this benefit.

If an employee uses this benefit for an eligible dependent, that dependent may not also, in the same semester, receive a merit scholarship from the Middlebury Institute. The employee and his/her dependent must choose between using the benefit and accepting a scholarship.

This is a taxable benefit, and taxes will be withheld from the employee's pay during the semester of attendance, as required by the IRS. Please consult with HR to assess the financial implications of accepting this benefit.

Questions about merit scholarships should be addressed to the office of enrollment management. Other questions having to do with student financing should be addressed to the office of financial aid.

### **D.3.p. Unemployment Compensation**

The Institute currently contributes as required to the California Unemployment Insurance Fund on behalf of its employees. Coverage begins with the first day of employment and applies without regard to the number of hours worked per day or length of contract. For further information, contact the Human Resources Office.

### **D.3.q. Workers' Compensation**

Employees are currently protected by the Institute's workers' compensation insurance policy while employed at the Institute, at no cost to the employee. The policy covers an employee in case of occupational injury or illness. Coverage begins with the first day of employment and applies without regard to the number of hours worked per day or length of contract. Benefits may include:

- payment of all medical expenses related to the accident or illness,
- weekly payments, tax-free, based on Institute salary to partially cover lost wages, and
- vocational rehabilitation to help qualified injured employees return to suitable employment.

Since workers' compensation payments are less than normal salary, an employee may elect to use part of her/his sick leave reserve and CTO accrual in addition to the workers' compensation payment in an effort to maintain full salary during the time off work.

If an employee is injured on the job, s/he must notify her/his supervisor and the Human Resources Office immediately. If medical treatment is needed, Human Resources staff will assist with arranging appropriate medical care. If an employee has sustained a serious injury, someone nearby should call 911 for emergency medical care and then inform the supervisor and the Human Resources Office.

If an employee wishes to be treated by her/his personal physician in the case of a work-related injury, the employee should make sure that the Human Resources office is aware of this ahead of time by making the request in writing. The request will be placed on file in the Human Resources Office.

After an employee has received medical care, s/he must provide the Human Resources Office and her/his supervisor certification from her/his health care provider regarding the need for workers' compensation disability leave (if any) and her/his ability to return to work from the leave.

The Institute or its insurer will not be liable for the payment of workers' compensation benefits for any injury that arises out of voluntary participation in any off-duty recreational, social, or athletic activity that is not part of work-related duties.

The law requires that the Institute notify the workers' compensation insurance company of any concerns of false or fraudulent claims. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

For further information, please contact the Human Resources Office.

### **D.3.r. Paid Family Leave**

Employees may be eligible for up to six weeks of state-provided paid family leave (PFL) insurance benefits when they take time off for one of the following purposes:

- To bond with a child during the first 12 months after the child's birth or placement for adoption or foster care with the employee; or
- To care for an immediate family member (spouse, registered domestic partner, child, parent, grandparent, grandchild, sibling and parent-in-law as defined by the PFL law) who is seriously ill and requires care.
- To participate in a qualifying event because of a family member's military deployment.

The PFL benefits described in this policy are a state-provided partial wage replacement benefit, not a protected leave of absence. To obtain approval for a leave of absence for the reasons set forth above, employees must contact Human Resources and comply with applicable eligibility, notice and certification requirements when required by state or federal law.

### **A. Amount and Duration of Benefits**

The weekly benefit amount is generally 60 or 70 percent of the employee's earnings (depending upon the employee's income), with benefits capped at a state-imposed maximum weekly benefit amount. Employees may receive up to eight weeks of PFL benefits during a 12-month period, but may not receive more benefits than earned in wages during the base period for calculating benefits (generally, the 12 months prior to the quarter in which the claim is made).

When applicable, PFL benefits will run concurrently with leave time available under the California Family Rights Act and the federal Family and Medical Leave Act. Employees may use any accrued but unused sick leave prior to receiving PFL benefits.

Employees should inform Human Resources as soon as they become aware of circumstances that may trigger eligibility for benefits under any of these programs. Although these programs are funded and run by the state and all eligibility and benefit decisions are made by the state agencies involved, not by the Institute, Human Resources will assist you in obtaining additional information about these programs.

## **D.4. Employee Conduct**

### **D.4.a. Drug Free Workplace**

The Institute promotes a safe, health, and productive work environment for all individuals at the Institute. We comply with federal, state, and local laws governing the possession, use, and distribution of unlawful drugs at the work place.

It is the object of the Institute to have a workforce that is free from the influence of controlled substances (illegal drugs) and alcohol during work hours. The sale, possession, distribution or use of illicit drugs will not be tolerated. Any employee member may be demoted, suspended, or dismissed for noncompliance with these laws or Institute policy.

The Institute complies with the Drug-Free Schools and Communities Act (as amended in 1989) and prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by its students, staff and faculty members on Institute premises or as part of any of its activities. Furthermore, each and every member of the Institute community has the right and responsibility to pursue his/her academic endeavors in a safe, effective, drug-free environment.

The Institute will impose discipline on faculty, students and staff members who violate the standards of conduct. Students who violate the provisions of the drug-free campus policy may be subject to suspension or expulsion. Faculty and staff members including administrators found to be in violation of this policy may be subject to disciplinary actions, up to and including dismissal. Violating California state statutes may also subject the individual to criminal prosecution.

### **D.4.b. Code of Conduct for Employees**

The success of the Institute depends not only on the competence of its faculty and staff, but also upon its reputation for honesty, integrity, and lack of bias in conducting its affairs. This Code of Conduct identifies basic policy and standards concerning ethical conduct and provides guidance in several areas of specific concern. Each employee of the Institute is expected to adhere to these standards of conduct.

Other expectations for the Middlebury Institute faculty and staff are covered in other sections of the Employee Handbook.

#### **A. General Principles**



Institute faculty and staff should conduct themselves ethically, honestly, and with integrity in all dealings. They need to be fair and principled in their official interactions and to act in good faith in these matters with others both within and outside the Institute community. They should act with due recognition of their position of trust and loyalty with respect to the Institute and its students, fellow employees, research sponsors, and donors. When in doubt about the propriety of a proposed course of action, they should seek counsel from those colleagues, supervisors, or administrators who can assist in determining the right and appropriate course of conduct.

#### **B. Proper Use of Institute Property and Funds**

Institute faculty and staff must see to it that Institute resources are not used for other than their intended purposes. Institute employees have an obligation to manage the Institute's resources prudently, with a responsibility to those who provide those resources, including students, parents, alumni, foundations, other donors, and government agencies. Faculty and staff are responsible for safeguarding the tangible and intangible assets of the Institute that are under their control. Institute resources may not be converted to personal use, either for oneself or another person. Institute funds may not be used to make contributions to candidates for public office, to political parties, or to other political organizations that are organized and operated primarily to accept contributions and make expenditures for the purpose of influencing the selection, nomination, election, or appointment of any individual to federal, state, or local public office or office in a political organization, or the election of Presidential electors.

#### **C. Accuracy of Records and Reporting**

The records, data, and information owned, used, and managed by the Institute must be accurate and complete. The accuracy and reliability of financial reports is of the utmost importance to the business operations of the Institute. Faculty and staff must record, allocate, and charge costs accurately and maintain supporting documentation as required by established policies and procedures. All reports, vouchers, bills, invoices, payroll information, personnel records, and other essential business records must be prepared with care and honesty.

#### **D. Grants and Contracts**

Members of the faculty and staff requesting funding from government agencies, corporations, foundations, and other granting organizations have an affirmative obligation to make full, accurate, and honest representations concerning all relevant information submitted to or requested by the granting organization. Accurate and complete records, including supporting documentation as required by the granting organization, of the uses to which grant funds are put must be maintained.

#### **E. Confidential Information**

Members of the faculty and staff may be privy to confidential information in the course of their daily work. This information may relate to, among others, students, parents, alumni, donors, employees, and candidates for positions on the faculty or staff. All Institute employees must safeguard confidential information. This includes insuring that confidential documents, in either paper or electronic form, are not left unattended; refraining from engaging in discussion of confidential information in forums where the information may be overheard; and protecting the privacy of past and present students, faculty, and staff by maintaining the confidentiality of student and employee records.

#### **F. Conflicts of Interest**

Members of the faculty and staff should avoid improper conflicts of interest that might compromise the integrity and objectivity of the Institute. Examples of situations involving potential conflicts of interest include working for the Institute as an outside vendor; using information that the Institute considers privileged or confidential for the benefit of a person or entity outside the Institute; utilizing discounts allowed to the Institute for personal gain;

and soliciting for oneself or for a third party anything of value from any person or entity in return for any business or service provided by the Institute.

Financial conflicts of interest (for example, an employee's participating in the ownership or management of an entity that regularly does business with the Institute) should be disclosed, reviewed, and appropriately managed or eliminated. No member of the faculty or staff may approve, recommend, or promote a business transaction with a firm in which that person is an officer or senior management employee, or holds more than a 5 percent equity interest, unless such person first discloses in writing the business relationship and the circumstances of the contemplated activity to the Senior Director, Middlebury Business Information Systems/MIIS Operations.

No member of the faculty and staff shall solicit anything of value in return for influencing or exercising his or her discretion in a particular way on an Institute matter. Faculty and staff should not accept any material gift, gratuity, or other payment, in cash or in kind, from a vendor currently doing business with the Institute or seeking to do so. Members of the faculty and staff may not solicit or receive discounts or rebates on goods and services offered to them in their private capacity by vendors to the Institute that exceed those generally available to other customers. Exceptions to this general provision include unsolicited gifts of a nominal value given at holidays, birthdays, weddings, and other commonly recognized social occasions.

#### **G. Antitrust**

Members of the faculty and staff may not improperly collude with other entities, including other colleges and universities, in matters affecting the financial or administrative decisions of the Institute.

#### **H. Compliance with Laws and Regulations**

Members of the faculty and staff are expected to transact Institute business in compliance with all federal, state, and local laws and regulations related to their positions and areas of responsibility, including, but not limited to, equal employment opportunity, fair employment practices, and nondiscrimination laws; laws regarding the privacy and confidentiality of employee and student records; and laws regarding workplace safety, workplace policies and regulations, and occupational health. Members of the faculty and staff whose programs operate internationally are expected to comply with the laws of the nations in which those programs operate, including foreign corrupt practices acts.

#### **I. Obligation to Report Suspected Violations**

Faculty and staff are obligated to report suspected violations of these standards promptly to their supervisor, department chair, the Manager of Human Resources or the VP for Human Resources and Chief Risk Officer. A supervisor or department chair to whom a report of a violation is made is obligated to follow up the report with the appropriate administrative authority. In investigating claims of inappropriate activities, care will be taken to maintain confidentiality. The Middlebury Institute will protect from retaliation anyone who makes a good faith effort to appropriately disclose perceived wrongdoing. However, the Institute reserves the right to distinguish between retaliation and ongoing performance management related to the "whistleblower." Employees who feel that they have been subject to retaliation as a result of compliance with this policy should communicate their concerns to Human Resources.

#### **J. Consequences of Violation**

Material violations of this code or related Institute policies and procedures will be considered under the Institute's established disciplinary practices and procedures for members of the faculty and staff and may carry disciplinary consequences, up to and including dismissal from employment. Such violations may also subject individuals to civil or criminal actions in state or federal courts.

#### **K. Supervisor's Obligations**

Individuals who supervise others should ensure that their direct reports have received adequate instruction and explanation with respect to their obligations under this code.

#### **D.4.c. Other Prohibited Conduct**

The Middlebury Institute of International Studies at Monterey expects satisfactory job performance and appropriate professional conduct of every employee. The Institute also considers these to be important factors in retention, promotion, and salary decisions.

In addition to the expectation of high ethical standards as defined in the Code of Conduct, employees are expected to be polite, courteous, prompt, and attentive in their dealings with colleagues, students and members of the public, and to avoid conduct injurious to security, personal safety, employee welfare, and the Institute's operations.

Prohibited conduct includes but is not limited to:

- Possession, distribution, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on Institute property, while on duty, or while operating a vehicle or potentially dangerous equipment leased or owned by the Institute.
- Breach of confidentiality.
- Falsification of employment records, employment information, time reports, or other Institute records.
- Unsatisfactory performance or conduct.
- Theft, deliberate or careless damage or destruction of any Institute property, or the property of any employee, student, or customer.
- Removing or borrowing Institute property without prior authorization.
- Unauthorized use of Institute equipment (including computer systems and software), time, materials, or facilities.
- Provoking a fight or fighting during working hours or on Institute property.
- Carrying firearms or any other dangerous weapons on Institute premises, including parking lots, at any time.
- Engaging in criminal conduct, whether or not related to job performance.
- Causing, creating, or participating in a disruption of any kind during working hours on Institute property.
- Insubordination, including but not limited to failure or refusal to follow the orders or instructions of a supervisor or a member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- Threatening, intimidating, coercing, harassing, or interfering with other employees.
- Violating the Middlebury Anti-Harassment/Discrimination and/or Sexual Misconduct policies.
- Failure to work cooperatively with others.
- Failure to notify a supervisor when unable to report to work, unless a reasonable excuse is offered and accepted by the Institute.
- Excessive absenteeism.
- Unreported absence of three (3) consecutive scheduled workdays, unless a reasonable excuse is offered and accepted by the Institute.
- Failure to observe working schedules, including rest and lunch periods.
- Leaving the job during working hours without permission.
- Failure to provide a physician's certificate when requested or required to do so.
- Sleeping or loitering on the job.
- Conducting excessive personal business on Institute time.
- Working overtime without authorization or refusing to work assigned overtime.
- Violation of any safety, health, security, or Institute policies, procedures, or mandates.
- Violation of Human Resources policies and procedures.
- Failure to cooperate in an investigation.
- Committing a fraudulent act or a breach of trust under any circumstances.
- Attempting any of the above actions.

Institute action in a particular case might depend on its judgment or consideration of, among other things,

- the severity of the conduct,
- the circumstances surrounding the matter,
- the past employment record of the employee, and
- the needs of the Institute.

It should be remembered that employment is for an unspecified term and is at the mutual consent of the employee and the Institute. Consequently, the employment relationship can be terminated at will, at any time, either by the employee or the Institute, with or without cause or notice.

#### **D.4.d. Personal Business, Telephone Use, and Personal Mail**

We recognize that there are times when a staff employee may need to conduct personal business while in the office, such as scheduling an appointment or checking with a family member. We expect that employees will keep these times to a minimum and that they will plan personal business to impact their time at work as little as possible. If an employee incurs charges for long-distance calls, personal photocopies, personal mail, etc., the employee is responsible for reimbursing the Institute for these charges.

Staff employees are not permitted to conduct business for another employer during scheduled working hours.

#### **D.4.e. Employer Property**

Desks, vehicles, and other Institute property and equipment must be maintained according to Institute rules and regulations. Institute property is to be used only for work-related purposes. The Institute reserves the right to inspect its property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

Prior authorization must be obtained before any Institute property may be removed from the premises.

Terminated employees should remove any personal items at the time they leave the Institute. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

#### **D.4.f. Housekeeping**

All employees are expected to keep their work areas clean and organized. People using common areas such as lunchrooms, locker rooms, and restrooms are expected to keep them sanitary.

#### **D.4.g. Confidentiality**

The protection of confidential information is vital to the interests and success of the Institute. Such confidential information includes, but is not limited to, the following examples:

- Compensation data
- Donor information
- Employee personal information
- Student records and information
- Financial information
- Marketing strategies
- Pending projects and proposals
- Research and development strategies

Any employee who misappropriates for her/his own use or discloses confidential information to other persons or organizations will be subject to disciplinary action (up to and including discharge) and legal action, even if s/he does not actually benefit from the disclosed information.

Confidential information may be exchanged among Institute employees on a need to know basis in connection with official responsibilities. If an employee has any uncertainty as to whether someone is authorized to receive certain confidential information, the employee should contact her/his supervisor to discuss the matter before any such disclosure is made.

Since it can be difficult to distinguish legitimate inquiries from invasions of others' privacy, no information about an employee is to be divulged in response to outside inquiries without proper authorization. Refer verification of employment inquiries to the Human Resources Office. Human Resources will verify employment, job title(s), and dates of employment, and additional information authorized by the employee, if the employee completes an Information Release Waiver. This form is available from, and must be completed and filed with the Human Resources Office. HR will also verify employment information if it receives a written request accompanied by a waiver prepared by the requestor and signed by the employee. Specific references will not be provided without a completed Information Release Waiver.

All other requests for information (i.e. those involving private attorneys, or state or federal agency representatives) should be directed to Human Resources.

#### **D.4.h. Conflicts of Interest and Supervision of Related Individuals**

It is the Institute's policy not to discriminate against an individual because of that individual's marital status, because the individual may be related to another Institute employee, or because of any legal off-duty conduct of employees that does not bear on the fitness for duty of the employee and/or does not affect adversely the interests or reputation of the Institute. However, the Institute reserves the right to take appropriate action if familial or personal relationships between employees interfere with the safety, security, or morale at the Institute or create actual or apparent conflicts of interest.

For example, relatives of employees may be ineligible for employment positions with the Institute if the related employee works in a direct supervisory relationship or in job positions in which a conflict of interest could arise.

"Relatives" include spouses, domestic partners, children, siblings, parents, grandparents, in-laws, and step-relatives. Employees who become spouses or domestic partners of each other will be permitted to continue working in the positions held only if they do not work in direct supervisory relationship with one another or in job positions involving conflict of interest.

Conflicts of interest may include initiating and/or participating in, directly or indirectly, decisions involving a direct benefit (e.g. initial employment or appointment, retention, promotion, evaluation, salary, work assignments, research funds, leave of absences, etc.) to members of the employee's immediate family.

In general terms, a conflict of interest exists when an employee or a member of the employee's immediate family has a personal or financial interest in a person or company dealing with the Institute which is of such a nature that it might affect or appear to affect decisions made on behalf of the Institute. It is a serious violation of trust if the interests of the Institute are subordinated in the course of performing professional duties. If there is any doubt as to the propriety of an existing or planned relationship, which could create, or appear to create, a conflict of interest, an employee should consult her/his supervisor or the Manager of Human Resources.

No employee may conduct Institute business with a person with whom s/he is related, or with a business organization with which the employee or related individual has a significant association, without first having the written approval of the Manager of Human Resources.

No employee or any member of her/his household shall accept gifts or gratuities or other favored treatment from any person associated with a present or prospective customer, competitor, or supplier of the Institute. Routine gifts of nominal value (i.e., advertising novelties or holiday gifts) are generally acceptable and should be shared with fellow employees. Similarly, no employee may give money or gifts of significant value to a customer, competitor, or supplier if it could be reasonably viewed as being done to gain an unfair advantage.

### **D.4.i. Technology Policies**

In matters pertaining to privacy, security, and responsible use of computing facilities, Institute faculty, staff and students are subject to Middlebury Library and Information Services policies.

In particular, the following policies related to shared resources, as described in the [Middlebury Handbook](#), apply to Middlebury Institute faculty, staff, and students:

- [Responsible Use of Computing and Network Services and Facilities](#)
- [Network Monitoring Policy](#)
- [Password Policy](#)
- [Privacy and Security of Files, Data and Communications](#)

### **D.4.j. Dress Code and Other Personal Standards**

Employees are expected to wear clothing appropriate for the nature of the type of work performed and reflecting a high standard of professionalism. Employees should avoid clothing that can create a safety hazard or that restricts their ability to perform work. Supervisors will inform employees of any additional requirements regarding acceptable attire. In consideration of professional image, as well as in consideration of colleagues, good habits of grooming and personal hygiene are expected.

### **D.4.k. Media Contacts**

On occasion, employees may be approached for interviews or comments by the news media. Only contact people designated by the VPAA may comment on Institute policy or events that have an impact on the Institute. Any questions regarding this policy should be directed to the director of communications.

### **D.4.l. Punctuality and Attendance**

While absences may be unavoidable for some acceptable reasons, attendance is an important factor in judging a staff employee's value to the Institute. Regular, quality attendance is an essential function of all faculty and staff positions.

Staff employees are expected to report to work as scheduled, on time and prepared to start work. Late arrival, early departure, or other absences from scheduled hours are disruptive and should be avoided. If an employee is unable to report for work on any particular day due to illness or emergency, s/he must call her/his supervisor before or at the time he or she is scheduled to begin work. In all cases of absence or tardiness, it is expected that an employee will provide her/his supervisor an accurate reason or explanation.

Excessive and repeated absences, early departure from the employee's work station and/or tardiness is cause for termination. Tardiness is defined as being away from the assigned workstation at the start of the workday or being late in returning from an allotted rest or meal period.

### **D.4.m. Supplementary Employment ("Moonlighting")**

While the Institute does not seek to interfere with the off-duty and personal conduct of its staff employees, certain types of off-duty conduct may interfere with the Institute's legitimate business interests. While employed by the Institute, full time staff employees are expected to devote their energies to their jobs with the Institute. Other employment that conflicts with work schedule, duties, and responsibilities, or that impairs work performance with the Institute is not acceptable. The hours and expectations of the job at the Institute will not be altered to accommodate supplemental employment.

## **D.5. Leaves of Absence**

## D.5. a. Family/Medical Leave

### A. General Provisions

This policy is designed to provide the leaves required by the federal Family and Medical Leave Act and California state law. This policy provides for paid and unpaid family and medical leave under the terms and conditions set forth below. Leaves are available for:

- the birth or adoption or foster care placement (by the state) of a child; or
- to care for the employee's child, parent, spouse, or domestic partner who has a serious health condition; or
- a serious health condition that makes the employee unable to perform one or more of the essential functions of her/his job.

There are special rules that apply only to pregnancy-related disabilities.

### B. Eligibility for Leave

In order to qualify for unpaid family and medical leave, other than a pregnancy disability leave, the employee must:

- be employed for at least 12 months and have worked at least 1,250 hours within the 12-month period prior to making a request for such leave;
- complete a certification of eligibility.

### C. Family and Medical Leave Definitions

The unpaid family and medical leave policy is administered in accordance with the following definitions:

- "Child" means biological, adopted, or foster child, a step-child, a legal ward or a child to whom the employee stands *in loco parentis*, who is under the age of 18, or is an adult dependent child, i.e., one who is incapable of self-care because of a mental or physical disability.
- "Spouse" means the employee's husband or wife as recognized by state law.
- "Parent" means the employee's biological parent or the individual who stood *in loco parentis* when the employee was a child. It does not include a grandparent or parent-in-law.
- "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that includes:

1. in-patient care in a hospital, hospice, or residential medical care facility; or

2. continuing treatment by a health care provider which includes

any period of incapacity due to:

(a) a health condition lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes: treatment two or more times by or under the supervision of a health care provider; or one treatment by a health care provider with a continuing regimen of treatment; or

(b) a chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may include occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence in this category; or

(c) pregnancy-related disabilities (special rules apply); or

(d) a permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or

(e) any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

A "serious health condition" generally will not include conditions like the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), or routine dental problems, unless complications arise.

#### **D. Duration of Family and Medical Leave**

Employees may be granted a maximum of 12 weeks of family or medical leave in any 12-month period, unless otherwise required by law. For purposes of determining eligibility, the 12 months will be calculated backward from the date on which the employee first takes family or medical leave.

Leave for the birth, adoption, or foster care placement of a child must be concluded within one year of the birth or placement of the child. If both parents of a child are employed by the Institute and request family care leave to care for a newly arrived child, their aggregate childcare leave is limited to 12 weeks. The time each parent takes off will count against her/his 12-week allotment of family and medical leave. If an employee uses less than 12 weeks to care for a newly arrived child, the remainder of his/her 12 weeks of leave can be used for any permissible FMLA purpose.

If there is a medical need, leave may be taken intermittently or on a reduced work schedule basis to care for a sick family member or for an employee's own serious health condition. If the need for intermittent leave is foreseeable based on a planned medical treatment, the Institute reserves the right to require the employee to temporarily transfer to an equivalent position that can better accommodate the recurring periods of leave.

Intermittent leave for the birth, adoption, or foster care of a child generally must be taken in two-week increments. However, the employee can take childcare leave in increments of less than two weeks on two occasions in connection with each birth, adoption, or placement for foster care.

#### **E. Notice/Certificates for Family and Medical Leave**

Employees must give the Institute as much advance notice as possible of the need for family or medical care leave. If the employee knows about the leave more than 30 calendar days before the leave is to commence, the employee must give the Institute at least 30 days written notice. If 30 days notice is not possible, i.e., the need for the leave is not known more than 30 days prior to its commencement, or because there has been a change in circumstances or a medical emergency, the employee must give as much notice as possible.

Where the employee's need for the leave is for planned medical treatment or supervision, s/he must consult with the Institute to schedule the treatment to minimize the disruption of the Institute's business.

The employee is required to provide a certificate from the health care provider setting out, among other things, the expected duration of the leave and certifying the condition warrants family or medical care. If the Institute does not receive proper certification prior to commencement of the leave or within 15 calendar days of requesting the certification, the absence from work may be deemed unexcused unless the delay was caused by circumstances truly beyond the employee's control.

The Institute reserves the right to require a second opinion, at its own expense, regarding the employee's serious health condition. Also, in certain circumstances, recertification by the doctor may be requested.

Generally, if given advance notice of the need for the leave, the Institute will designate the leave as family and medical leave before the employee goes out on leave. However, the Institute reserves the right to designate a



leave as family and medical leave after the leave has begun if it learns of additional facts that allow it to make a determination while the employee is on leave. In addition, the Institute reserves the right to designate the leave as a family and medical leave after the employee returns to work if it does not have sufficient facts on which to make a determination while the employee is out on leave.

If the Institute does not have sufficient information regarding why an employee is off work, it will inquire as to the reason for the employee's absence. If the employee establishes that the absence is for a family and medical leave or other permissible leave, the time off will be treated consistent with the applicable policy. However, if the employee does not provide the requested information or the information provided is insufficient to establish that the leave is for a purpose covered by the Family and Medical Leave Policy, the leave will be treated as an unexcused absence.

In order to return to work from a medical leave for the employee's own serious health condition, s/he must submit a release to work certification form her/his health care provider.

## **F. Benefits during Family or Medical Leave**

Employees must take any accrued sick leave reserve as part of any family and medical leave for their own serious health condition, including a pregnancy-related condition. In other circumstances, employees may take any accrued sick leave reserve as part of an unpaid family and medical leave when permitted by the sick leave policy. Employees must take any accrued CTO as part of any unpaid family and medical leave; special rules may apply to pregnancy disability leaves. After all paid leave is exhausted, the remaining period of the leave will be unpaid. Benefit Eligible Employees will continue earn CTO during the unpaid portion of any family or medical leave, but not during an accommodation leave.

While taking unpaid family and medical leave, the Institute will continue to provide health benefits, including during pregnancy disability leave and child care leave, under the same terms and conditions as if the employee was still working. The employee will be required to continue paying the employee's portion of any premiums.

Employees may arrange to pay for their own life insurance premiums and premiums for any other insurance during the unpaid portion of the leave. Coverage will terminate at the end of the last period for which premiums are received.

## **G. Reinstatement**

If an employee returns to work at the end of an unpaid family or medical leave which lasts 12 weeks or less, s/he will be returned to the same position held before the leave or to an equivalent position with the same equivalent pay, benefits, and terms and conditions of employment. Special circumstances apply to pregnancy disabilities.

An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the unpaid family and medical leave.

If the employee fails to return to work on the next regularly scheduled workday following the expiration of the leave of absence, her/his employment will be subject to termination.

All requests for family or medical leave of absences will be administered in compliance with applicable federal, state, and local laws.

## **H. Pregnancy Related Disability Leave**

In addition to the provisions above, the following policies apply when pregnancy results in a disability. Pregnancy related disability leave will be designated as leave under the federal Family and Medical Leave Act, but not under the equivalent California statute.

## *I. Duration of Leave*

If an employee is disabled because of childbirth, pregnancy, or a related condition, she may take a leave of absence of up to four months with medical verification of the disability. Paid family leave is not available for care of a newborn, but only for the mother's own disability. However, after her doctor releases the employee to work, she may apply for a family care leave to care for her newborn.

The estimated duration of pregnancy related disability leave is initially determined by the employee and her doctor. To assist in a smooth transition, employees should share this information with the Institute as far in advance as possible.

## **I. Transfer Rights**

An employee who is pregnant is entitled to a transfer from her current position to a less strenuous or hazardous position or duties if:

- the employee provides a certification from her doctor stating less strenuous work is medically advisable; and
- transfer can be reasonably accommodated by the Institute.

If it is foreseeable that it would be medically advisable for a pregnant employee to take intermittent leave or work a reduced schedule, the Institute may require the employee to transfer temporarily to an available alternative position that has equivalent pay and benefits, so long as the employee is qualified for the position, and the position better accommodates recurring absences than the employee's regular job.

The employee will be reinstated to her regular job or a comparable position when the employee's health care provider certifies that there is no further need for less strenuous work, intermittent leave, or a reduced work schedule.

## **J. Rights to Reasonable Accommodation**

The Institute will make a reasonable accommodation for conditions that are related to pregnancy, childbirth, or related medical conditions if requested by an employee, with the advice of her health care provider, to the extent provided by law.

## **K. Benefits During Pregnancy Related Disability Leave**

An employee must take any accrued sick leave reserve as part of her pregnancy related disability leave. An employee may take any accrued CTO as part of her pregnancy disability leave. After all paid leave is exhausted, the remainder of the employee's pregnancy disability leave will be unpaid.

The Institute will continue to provide health benefits for an employee on pregnancy related disability under the same terms and conditions as if the employee were still working. The employee will be required to continue paying the employee's portion of any premiums. For policies regarding other benefits, refer to the section of this handbook dealing with benefits during family and medical leave. With respect to all benefits, an employee on paid family leave will be treated no less favorably than employees on other disability related leaves.

## **L. Reinstatement After a Pregnancy Related Disability**

If an employee returns to work at the end of a pregnancy disability of four months or less, she will be reinstated to her former position unless the position no longer exists because of business changes, such as a reduction in force or job abolishment. If the employee's former position does not exist, she will be reinstated to an equivalent position, if one is available.

The employee will be required to provide the Institute with a fitness for duty certification from her doctor stating she is released to return to work and indicating any work restrictions she may have.

If the employee fails to return to work at the end of any authorized leave, her employment will be subject to termination, unless she is eligible for another form of leave.

#### **M. Child Care Leave After a Pregnancy Related Disability Leave**

After the employee is released to return to work from a pregnancy disability, she may request any remaining family and medical leave to care for her newborn, pursuant to the terms of the family and medical leave policy above.

### **N. Employee Responsibilities<sup>2</sup>**

- Furnish evidence as requested to substantiate the medical need for disability leave.
- Notify the Institute in the event the need for or anticipated duration of the leave has changed.
- Notify supervisor in writing or in person two (2) weeks prior to the expiration of the leave to confirm interest in return to work.
- Notify supervisor in writing or in person of any address or telephone number changes while on leave.
- Return to work promptly at the end of an authorized leave.

#### **D.5.b. Other Disability Leaves**

In addition to family/medical and pregnancy-related disability leaves, employees may request a temporary disability leave of absence if in the judgment of the Institute, it is necessary to accommodate reasonably a workplace injury or an ADA-qualified disability to the extent mandated by law. Any disability leave under this section may run concurrently with any medical leave to which the employee is entitled under the Family/Medical leave section of this handbook.

Employees taking disability leave must comply with the family/medical leave provision of this handbook regarding substitution of paid leaves, notice, and medical certification. For the purpose of applying these provisions, a disability leave will be considered a medical leave.

An employee taking a disability leave will not be paid and must exhaust her/his sick leave reserve and accrued CTO time.

If a disability leave under this section extends beyond 12 weeks in a 12-month period, the employee will not be entitled to any continued employer contributions towards any employee benefit plan. An employee, however, may elect to continue participating in such benefit plans, at the employee's own expense, to the extent permitted by such plans.

The duration of a leave under this section will be consistent with applicable law, but in no event will the leave extend past the date on which an employee becomes capable of performing the essential functions of her/his position, with or without reasonable accommodation. For a full explanation of leave duration and reinstatement rights, employees should contact the Human Resources Office.

#### **D.5.c. Jury Duty and Witness Leave**

The Institute encourages employees to serve on jury selection or jury duty when called. Any employee summoned for compulsory jury duty will be excused for the duration of the trial.

A regular employee will receive her/his full salary for the time s/he is on duty, up to a maximum of 30 days in a 12-month period. An employee should notify her/his supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. A copy of the summons should be submitted when recording jury duty leave at the end of the pay period.

An employee may be requested to provide written verification from the court clerk of having served for Jury Duty. If work time remains after any day of jury selection or jury duty, the employee will be expected to return to work for the remainder of the work schedule.

Jurors' fees, exclusive of mileage, that are received should be remitted to the Institute Cashier's office. Normal work hours that are spent on jury duty will not be considered as time worked for the purpose of computing overtime pay for non-exempt employees.

An employee who is required by law to appear in court or at another legal proceeding to which s/he is not a party will be provided time off for that purpose, provided s/he provides the Institute with reasonable advance notice. For non-exempt employees, this leave will be unpaid. For exempt employees, salary during leave will be offset by any amounts received as witness fees and no salary will be paid for workweeks in which no Institute work is performed.

#### **D.5.d. Bereavement Leave**

In the event of a death in an employee's immediate family, s/he may be granted a leave of absence with pay not to exceed three working days, without any deduction from CTO or SLR balances.

Immediate family includes mother, step-mother, father, step-father, spouse, domestic partner, child, step-child, brother, step-brother, sister, step-sister, current mother-in-law, current father-in-law, grandparents, and grandchildren. Bereavement leave requests must be made known to the supervisor as soon as the employee has need for the leave.

Approved time taken in excess of three working days may be recorded as CTO or SLR.

Regular Full-Time, Regular Part-Time and Temporary Employees with six months or more of service are eligible for Bereavement Leave.

#### **D.5.e. Military Leave**

The Institute complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA), which guarantees reemployment rights and benefits if an employee leaves to serve in the uniformed services as long as the cumulative period of absence from employment does not exceed five years.

If an employee serves in the military and needs to take military leave, s/he must inform her/his supervisor and contact the Human Resources Office for information about the employee's rights and responsibilities before and after such leave. A regular employee will receive her/his full salary for the time s/he is recalled to active duty, up to a maximum of 30 days in a 12-month period. Annual training leave or leave for related schooling and/or training is considered leave without pay, although the employee may elect to use her/his CTO to cover the leave.

The employee is entitled to reinstatement upon completion of military service provided s/he returns or applies for reinstatement within the time allowed by law.

#### **D.5.f. Personal Leave**

A staff employee may apply for a non-medical leave of absence without pay of up to six months. Requests for leave of absence will be considered on the basis of the employee's length of service, performance, responsibility level, the reason for the request, whether other individuals are already out on leave, and the expected impact of the leave on the Institute.

Because of the essential functions of most staff positions and the Institute's lean staffing, approved personal leaves of absence are very limited. Requests must be submitted in writing to the supervisor and must be approved by the administration in writing before the leave begins.

It is the employee's responsibility to report to work at the end of the approved leave. An employee who fails to report to work on the first working day after the leave expires will be considered to have voluntarily resigned.

### **D.5.g. School Activities**

If an employee is the parent or guardian of a child and it becomes necessary to attend the child's school because of a suspension, the employee should alert her/his supervisor as soon as possible. Pursuant to California Labor Code Section 230.7, no discriminatory action will be taken against an employee for taking time off for this purpose.

Any school activity absence is subject to the following provisions:

- Parents, guardians, or grandparents having custody of one or more children in pre-school, kindergarten, or grades 1 to 12 may take time off for a school activity.
- The time off for school activity participation cannot exceed 40 hours for the entire school year and cannot exceed eight hours in any one calendar month.
- Employees must provide as much advance notice as possible to their supervisor.
- If both parents are employed by the Institute, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by her/his supervisor.
- Non-exempt employees must use CTO leave in order to receive compensation for this time off.
- Exempt employees may take less than a full day off without loss of pay.
- Employees who do not have paid CTO time available will take the time off without pay, or complete a make-up time arrangement through her/his supervisor.

### **D.5.h. Domestic Violence Leave**

The Institute will maintain the confidentiality of any employee requesting domestic violence leave to the extent possible.

Employees who are victims of domestic violence are entitled to take time off to:

- get medical attention for injuries caused by domestic violence,
- get services from a domestic violence shelter or rape crisis center,
- get psychological counseling for a domestic violence related experience,
- try to ensure safety from future violence, including seeking restraining orders or other injunctive relief and/or temporary or permanent relocation.

To be eligible for leave, employees must qualify as domestic violence victims. This includes individuals who are being abused by:

- a spouse or former spouse,
- someone living with them,
- someone they are (or were) dating,
- someone they are (or were) engaged to,
- someone they have a child with, or
- a member of their immediate family or a very close relative.

Generally, employees must give their employers reasonable advance notice that they need time off for domestic violence leave. However, in certain circumstances, employees may take an unscheduled leave without giving advance notice.

Certification for domestic violence leave may include:

- a police report which indicates that the employee was a victim of domestic violence;
- a court order protecting or separating the employee from the abuser, or other evidence from the court or prosecuting attorney that the employee appeared in court; or

- a report from a medical professional, domestic violence advocate, health care provider, or counselor documenting that the employee was treated for mental or physical injuries.

Domestic violence leave is unpaid. However, the employee may use any accrued CTO.

#### **D.5.i. Required Use of Sick Pay Before Unpaid Leave**

Employees are required to take accrued and unused paid CTO/sick leave reserve before taking unpaid leave, or having unpaid absences. Family and Medical Leave (under both state and federal law) is included in this requirement.

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) payments, and you have not yet accrued or have no CTO available, you are required to use any accrued and unused sick leave reserve during the 7-day waiting period before PFL benefits begin.

You must exhaust all paid CTO/sick leave reserve before taking any unpaid absences.

PFL benefits do not replace all of your usual wages. Your PFL benefits will be supplemented with any accrued and unused CTO/sick leave reserve. If you have no sick leave reserve, or once you exhaust your sick leave reserve, accrued and unused CTO will be used to supplement your PFL benefits.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after you have been absent from work for 7 calendar days. If you have accrued paid sick leave reserve, sick leave reserve will be used for the first 7 days, before SDI payments begin. If you have no accrued sick leave reserve, any accrued CTO will be used during this waiting period.

SDI benefits do not replace all of your usual wages. Your SDI benefits will be supplemented with any accrued and unused sick leave reserve. If you have no sick leave reserve, or once you exhaust your sick leave reserve, accrued and unused CTO will be used to supplement your SDI benefits.

#### **D.5.j. Sick Pay and Workers' Compensation Benefits**

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking initial medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy, or other prescribed appointments will not be paid as time worked. If you have accrued and unused sick leave, the additional absences from work will be paid with the use of sick leave. If you do not have accrued, paid sick leave, or if you have used all of your sick leave, you may choose to substitute CTO/paid time off for further work absences related to your illness or injury.

#### **D.5.k. Safety Personnel Leave**

Eligible employees may take time off to serve as volunteer firefighters, reserve police officers, or emergency rescue personnel during emergencies. This leave is unpaid, though the employee can use any accrued CTO time.

Volunteer firefighters, reserve police officers, and emergency rescue personnel may take leave only for emergency duty. There is no limit on the amount of time they may take off to perform emergency duties.

Volunteer firefighters are also entitled to take up to 14 days each calendar year for fire or law enforcement training.

## **D.6. Miscellaneous Considerations**

### **D.6.a. Lost and Found**

Money, clothing, or other valuables should not be left in areas where a theft might occur. The Institute's lost and found area is located in the Security Office. The Institute is not responsible for lost or stolen property.

### **D.6.b. Parking**

All on-campus parking is by permit only, and permits are issued to employees residing a mile or more from the campus. Eligible employees may request a permit from Security. Vehicles may be parked in designated parking stalls as space permits in the faculty/staff parking areas. If space is not available, employees must park off Institute property. Employees may not use Institute parking areas specifically designated for students. Handicap parking is by permit only. The Institute is not responsible for any loss or damage to employee vehicles or contents while parked on Institute property.

### **D.6.c. Lactation Accommodation**

The Institute will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time will, if possible, run concurrently with any paid break time that is already provided to the employee. If additional break time is required, it shall be unpaid.

### **D.6.d. Outside Organizational Activity/Solicitation**

Employees are expected to devote their working hours to job-related activities that contribute to the goals and objectives of the Middlebury Institute. Except for activities related directly to the benefit of the Institute, employees may not solicit, distribute, or receive solicitation materials during working time or in work areas. Work areas generally exclude eating areas, parking lots, or employee lounges. Working time excludes unpaid lunch break, rest periods, or any other specified period during the workday when employees are not required to engage in performing their work tasks.

Because of the Institute's status as a nonprofit organization, no employee may use the Institute's name in carrying on any partisan political activity. The name of the Middlebury Institute of International Studies at Monterey, the logo commonly used to represent the Institute, or the name of any department of the Institute should not be used on letters or other written material intended for political purposes.

### **D.6.e. Security Investigations**

The Institute seeks to maintain a safe, healthy, and secure work environment. The Institute may occasionally find it necessary to investigate current employees where behavior or other relevant circumstances raise questions (For example, work performance, honesty, trustworthiness, or potential threat to the safety of coworkers or others). In the event that an investigation is necessary, the Institute will comply with all applicable federal and state laws. Employees subject to an investigation are required to cooperate with the Institute's lawful efforts to obtain relevant information and may be disciplined up to and including termination for failure to do so.

### **D.6.f. Health and Safety**

Each employee is responsible for her/his safety as well as the safety of others in the workplace. In compliance with California law and to promote the concept of a safe workplace, the Institute maintains an Injury and Illness Prevention Program. The program is available for review in the Human Resources 7office. All accidents that result in injury must be reported to the appropriate supervisor and Human Resources, regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and to initiate insurance and workers' compensation procedures as applicable.

In compliance with Proposition 65, the Institute will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

#### **D.6.g. Emergency Closure**

If weather conditions, such as flooding, prevent employees from safely traveling to work, they must notify their supervisors as soon as possible. Absences due to inclement weather will be considered as leave without pay, unless the employee chooses to use accrued CTO hours to cover the absence.

In the event of a natural disaster such as earthquake, fire, explosion, etc., offices will be closed if the building is damaged or roads immediately leading to the offices are damaged. For instruction on reporting to another location, employees should contact their supervisors immediately, if possible. Refer to the Emergency Action Plan (<https://www.miis.edu/offices/security>) for further details.

If the Institute is closed due to inclement weather or natural disaster, regular salaried employees will receive regular pay, up to a maximum of three days per calendar year. If the Institute is open, yet an employee is unable to get to work due to personal circumstances, the time off will be counted as leave without pay, unless the employee elects to use accrued CTO hours. If there is a temporary power outage, employees are expected to remain at work and perform what duties are safely possible under the circumstances, until and unless they are officially notified that the office is closed for the remainder of the day and that there is no other office on campus where they can continue to work.

#### **D.6.h. Security/Workplace Violence**

The Institute is committed to providing a workplace that is free from acts of violence or threats of violence. In keeping with this commitment, the Institute has established a policy that provides “zero tolerance” for actual or threatened violence against co-workers, students, visitors, or any other persons who are either on our premises or have contact with employees in the course of their duties.

Every threat of violence is serious and must be treated as such. Threatening behavior can include such actions as throwing objects, making a verbal threat to harm another individual or destroy property, displaying an intense or obsessive romantic interest that exceeds the normal bounds of interpersonal interest, or attempting to intimidate or harass other individuals.

If an employee becomes aware of any actual violence, imminent violence, or threat of imminent violence, obtaining emergency assistance must be a matter of first priority. The employee should immediately contact Security by calling extension 4153 and, if appropriate, should contact Monterey Police Department authorities by dialing 911. Then the employee must report the incident to her/his supervisor, who shall in turn notify the manager of human resources and Security. Employees may report any incidents of violence or threats of violence without fear of reprisal.

Employees who become aware of any threats of workplace violence must report the threats immediately to their supervisors, who, in turn, will be responsible for notifying Security and the Manager of Human Resources.

Compliance with this anti-violence policy is a condition of employment and will be evaluated, together with other aspects of an employee’s performance. Due to the importance of this policy, employees who violate any of its terms, who engage in or contribute to violent behavior, or who threaten others with violence may be subject to disciplinary action, up to and including immediate termination.

Employees are reminded to secure their desks, files, and confidential information at the end of the day or when called away from the work area for an extended length of time. Employees should not leave valuable and/or personal articles in or around their workstations.

Employees must immediately report to their supervisor when keys, identification cards, or other Institute property is missing.



## **D.6.i. Travel Policies**

Members of the faculty and staff traveling on behalf of the Institute are expected to seek the least expensive option that allows them to do their job effectively and safely when incurring any expense that will be charged to the Institute.

All travel plans and individual travel programs must be approved in advance by the employee's supervisor and the budget officer of the department to be charged with the travel costs.

Advances for travel are prohibited except in cases where travel without an advance would impose an unreasonable hardship. Requests for advance are officially discouraged. Recommendations for advances must have the approval of the department head, VPAA, and the VP for Human Resources and Chief Risk Officer.

Travelers booking plane or train fares must secure the most economical rates available and should use an individual or departmental Institute purchasing card whenever possible, following all policies associated with such cards. If a personal credit card must be used, the traveler must submit original copies of the card statement along with accounting codes to be charged and a clear explanation of the itinerary in order to receive timely reimbursement.

The Institute reimburses members of the faculty and staff using their own vehicles on trips for official Institute business on a per-mile-driven basis, at the rate authorized by the IRS. Requests for reimbursement, using the check request form, must include details of the dates, points of departure and arrival, and miles driven, and should be submitted to the Business Office.

Employees who are required to drive an Institute vehicle, or a personal vehicle, on Institute business will be required to show proof of current, valid driver's license and current effective insurance coverage prior to the first day of employment.

The Institute retains the right to transfer to an alternative position, suspend or terminate employment if driving on Institute business is an essential function of a position and an employee's license is revoked, or s/he fails to maintain personal automobile insurance coverage, or if s/he is uninsurable under the Institute's policy.

## **A. Allowable Travel Expenses**

Allowable travel expenses include essential transportation and associated costs such as parking and tolls, lodging, meals, and appropriate thank-you gifts for a dinner or event host. Normally, travelers should select compact class rental cars; restrict meal costs to the recommended maximums published by the business office; and provide customary tips (not to exceed 15%) associated with their activities. Other expenses must receive advance approval from the department head.

## **B. Accounting**

Formal accounting for reimbursable travel expenditures made by an individual must be submitted to the Business Office immediately upon return from a trip. This accounting must include original receipts for meal, hotel accommodations, transportation, etc., and must be approved by the supervisor and budget officer.

Internal Revenue Service regulations require that adequate records substantiate all expenditures for travel and entertainment. This substantiation must include information relating to the:

- Amount of the expenditure;
- Time and place of the expenditure;
- Business purpose of the expenditure; and
- Names and the business relationships of individuals (other than the traveler) for whom the expenditures are made;

Reasonable incidental expenses of \$10 or less do not require documentation but need to be enumerated.

### **D.6.j. Travel Expenses Not Permitted**

No expenses for a spouse/partner accompanying the faculty or staff member may be charged to the Institute, with the exception of the cost of a meal if the spouse/partner's presence is essential to the event and where there has been prior approval.

No personal expenses may be charged to the Institute, including (but not limited to) traffic and parking tickets; rental, repair, and replacement of clothing items; personal entertainment such as sporting-event or theatre tickets and in-room movies; alcoholic beverages other than those customarily taken with a meal that is part of an Institute function; and any item which an individual would normally purchase for her/himself if not traveling.

### **D.6.k. Other Expenditures Not Permitted**

Budget administrators are expected to exercise restraint and good judgment in committing Institute funds. The Institute's principal revenue sources are from students and from donors (individuals, foundations, and industry). Increasingly, we must be sensitive to how we use these funds toward promoting the primary mission of the Institute. The following expenditures should not be incurred since they relate more directly to personal needs:

- Artwork for offices
- Briefcases
- Contributions (political and charitable)
- Expensive desk accessories
- Flowers (except when coordinated through the VPAA's Office)
- Holiday decorations and parties
- Memberships in non-job related professional societies
- Travel related:
  - Air travel clubs
  - First class/business class airfare
  - Health club memberships
  - Hotel amenities (movies, etc.)
  - Optional conference events (golf outings, tours, etc.)
  - Non-business entertainment and travel
  - Payment of fines or parking tickets
  - Purchase of clothing and other personal items
  - Spouse related costs
  - Meals among co-workers (except when staff are traveling together on Institute business, or for community-building meals approved by a budget administrator.)

### **D.6.l. Procurement Card Program**

The Middlebury Institute has implemented a Procurement Card Program to provide an efficient and effective method of purchasing and paying for goods and services. Procurement Cards are issued to individuals who place orders on behalf of the Institute and/or individuals who frequently travel on Institute business. An individual receives a procurement card upon recommendation of her/his department head, and then only after completing the application form and cardholder agreement, and after attending a Procurement Card Training Session to learn the proper procedures for using and documenting use of the card. Complete guidelines for P-card use can be found at: <https://www.middlebury.edu/offices/administration/vpfin/controller/paymen...>

Cardholders are accountable for the proper use of Institute funds. Although the card is issued to the cardholder, it remains Institute property, and may be rescinded at any time. Use of the card is **only for Institute business**. If the procurement card is misused (for example, for inappropriate purchases, exceeding budget and or card limits, or failure to maintain proper records) penalties could range from a warning to adhere to the procedures to cancellation of the card. Should the Institute cancel a card, that action will be noted in the cardholder's personnel

file. In extreme cases, such as flagrant misuse and/or use for personal items, additional consequences, up to and including termination of employment could be imposed.

The adoption of the Procurement Card does not constitute a change to the Institute policies regarding travel on Institute business. Rather, for many Institute employees whose job responsibilities dictate regular travel, the "P Card" will provide a means to process and pay those travel expenses more conveniently.

Faculty and staff with only occasional travel needs may be able to make use of a "departmental" card held by an administrative assistant or other departmental support staff who make air, hotel, or auto reservations for department faculty and staff.

As with any travel on Institute business currently made using a personal credit card with subsequent reimbursement, it is the responsibility of the traveler using a Procurement Card to obtain full documentation/receipts for all expenses processed on the card and to file and retain those receipts with the monthly statement mailed to the cardholder.

Please direct any questions regarding the use of the Procurement Card to the card administrator.

## **D.6.m. Employee Recognition**

### ***Above and Beyond Award***

The Above and Beyond Award was established in 2006 to recognize employees of the Institute who go above and beyond the normal duties of their position. The award is presented during the faculty/staff holiday reception each December. Each award recipient receives a certificate and a \$500 cash award. Recipients of the award are those who:

- a) Consistently provide outstanding customer service.
- b) Is the "go-to" person.
- c) Provides an outstanding service that is not part of their normal job duties.
- d) Strives to innovate, improve, or streamline processes.

The VPAA and the senior administrators (direct reports to the VPAA) will consult with staff in their areas to nominate candidates. Generally, up to three awards will be made during the Faculty/Staff Holiday Reception.

## **V. Policies for Schools Abroad**

### **Introduction**

All Schools Abroad students are subject to the Schools Abroad policies set forth below as well as the Middlebury-Wide Policies in the general Middlebury Handbook. When reviewing these policies, note that in the context of the Schools Abroad, "Middlebury staff" refers to the Director/Principal of the School Abroad. Students are also subject to the host university's policies and rules (as applicable).

These policies may be amended from time to time and therefore students should review the most current online version for any updates. Any amendments as published on this website shall supersede wholly any prior versions of the policy(ies). Middlebury endeavors to present an accurate overview of the programs, facilities, and fees of the Schools Abroad in this handbook. However, Middlebury reserves the right to alter any program, facilities, or fees, described below or in other publications without notice or obligation.

Middlebury College has unrestricted right to use and publish photographs taken of participants while enrolled at the Middlebury College Schools Abroad. This includes photographs or videos, for editorial purposes, or any other official college purpose. This may include print, electronic, or any other media form.

Consistent with the cultivation of an awareness of responsibility and accountability, students found in violation of Middlebury's policies as stated herein, the [Middlebury-Wide Policies](#) in the Middlebury Handbook, or the host university's policies and/or who participate in prohibited acts as defined herein will be held responsible and will be subject to discipline up to and including suspension or expulsion from the School Abroad. In addition, students may be subject to discipline by any Middlebury program in which the student is or will be enrolled or their home institution.

## Please select from the following content:↻

- [A. Student Conduct Policies](#)
- [B. Academic Policies](#)
- [C. Financial Policies](#)
- [D. Other Program Policies](#)

## A. Student Conduct Policies

### Please choose from the following content:↻

- [A.1. Community Standards](#)
- [A.2. General Conduct Standards](#)
- [A.3. Policy Violations and Disciplinary Process](#)

## A.3. Academic Honesty/Honor Code

This section describes the disciplinary process that is normally followed when a student participating in a Middlebury Schools Abroad program allegedly engages in conduct that violates a Middlebury policy or policies. Where other Middlebury policies specify separate processes, those processes will apply. (See, e.g., [Middlebury's Non-Discrimination Policy](#) and [Middlebury's Policy Against Hazing](#)). Moreover, where applicable law or the local university where the program takes place mandate different procedures or policies, those procedures or policies will apply.

All Schools Abroad students will be held accountable for policy violations of the basic behavioral policies in this handbook, the [Middlebury Handbook](#) and of those policies defined herein, as well as violations of the host university's policies and rules (as applicable), which take place between the first day of orientation for the School Abroad program and the completion of the program. Conduct that occurs at or in connection with a School Abroad-related event, or occurs off-site but violates the law or may represent a threat to the safety of the School Abroad community or its members, the pursuit of the program's objectives, and/or the educational environment of others, may be subject to the disciplinary process. This includes violation of any of the below policies, which may result in discipline up to and including expulsion from a Middlebury School Abroad or any other Middlebury program:

- Violation of Middlebury's [Policy Governing Student Conduct](#)
- [Violation of Middlebury-Wide Policies](#) including but not limited to [Respectful Behavior](#) and [Honesty and Cooperation in Middlebury Matters](#)

- Violation of Middlebury's [Non-Discrimination Policy](#)
- Violation of Middlebury's [Policy Against Hazing](#)
- Violation of Middlebury's [Alcohol, Tobacco and Other Drugs Policy](#)
- Violation of Middlebury's [Academic Honesty, the Honor Code and Related Disciplinary Policies](#)
- Violation of the laws of the host country
- Violation of the rules or policies of the host entity
- Violation of program rules or policies regarding housing

Students found to have violated Middlebury policy may be subject to the full range of disciplinary actions, as applicable, up to and including expulsion from a Middlebury School Abroad or any other Middlebury program.

Alleged policy violations shall be reported to the Director/Principal of the School Abroad. The Director/Principal or designee (hereinafter referred to as "the Director/Principal") is ordinarily responsible for addressing alleged violations pertaining to academic honesty, respectful behavior and/or general conduct. Cases involving alleged violations of non-discrimination and Title IX policies will be referred directly to [Middlebury's Civil Rights and Title IX Coordinator](#) for further handling.

Except in cases of [emergency removal](#), suspension, withdrawal or expulsion as described in this handbook and applicable Middlebury policies, the following disciplinary process will apply.

If a complaint or report of an alleged policy violation is made against a School Abroad student, the accused student will be given notice of the alleged violation and an opportunity to respond to the allegations prior to any determination or disciplinary action. The notice may be given orally or in writing. The "opportunity to respond" means that the student will be given an opportunity to meet and/or communicate with the Director/Principal.

The Director/Principal will then make a determination, based on a preponderance of the evidence, as to whether the student violated the policy at issue. Formal rules of evidence do not apply in Middlebury conduct proceedings. If a student is found responsible for a policy violation, the Director/Principal shall determine what disciplinary or other action should be taken, if any. The Director/Principal has the authority to take disciplinary action up to and including expulsion from the program. If the Director/Principal determines that the circumstances do not warrant immediate expulsion from the program, the Director/Principal may take other action, including the issuance of warnings (oral/written), reprimands, probationary status, official Middlebury College discipline, or suspension from the program. The Director/Principal may also assign non-disciplinary action as appropriate, including the issuance of No Contact Orders, room changes, class changes, or other actions as needed. Disciplinary action may be accompanied by notification to the student's undergraduate or graduate institution (or any other Middlebury program or non-Middlebury program in which the student is involved) and to the parents/guardians of dependent students. In Oxford, the Principal may also inform the Academic Board. For more information, see "Scope of Oversight" under [Student Conduct](#).

Nothing in this section shall preclude the host university (if applicable) from exercising its independent right to suspend, expel or otherwise discipline a student in accordance with its own procedures.

In cases where a student is found responsible for a policy violation while participating in the School Abroad, the finding of responsibility may also be referred to the appropriate authority overseeing the student's home institution or any additional Middlebury or non-Middlebury program in which the student is or will be enrolled for other action as deemed appropriate. Nothing in this section shall preclude the host university (if applicable) from exercising its independent right to suspend, expel or otherwise discipline a student in accordance with its own procedures.

In certain circumstances involving alleged policy violations (e.g., involved individuals are enrolled in or employed by a foreign university or a non-Middlebury program) the host university's disciplinary procedures or the local court system may supersede Middlebury's procedures in that location. In these situations, the School Abroad Director/Principal, and/or other Middlebury official(s) will work closely with the local staff or faculty at the host university (or local law enforcement, if applicable) to ensure that the matter is appropriately addressed. Middlebury will, nonetheless, take steps within the scope of its authority designed to prevent the recurrence of

harassment, sexual misconduct, domestic or dating violence or misconduct, or stalking, and remedy the effects of such behavior.

Middlebury retains sole discretion to determine whether to initiate disciplinary or other action under its policies against a student who is or will be enrolled in another Middlebury program (including the undergraduate program) regardless of the outcome of any disciplinary proceeding conducted by a non-Middlebury institution or program and/or the outcome of any law enforcement investigation or court proceeding.

#### *a) Appeals*

The student may appeal the Director/Principal's decision to the provost or designee (hereinafter referred to as "the provost") within three business days of issuance of the Director/Principal's determination. Appeals may be granted on the basis of one or more of the following grounds:

- Discovery of significant new factual material not available to the Director/Principal that could have affected the original result; however, prior omission of factual information that the student knew or should reasonably have known about is not a ground for an appeal;
- Procedural error where the error prevented fundamental fairness;
- Extreme mitigating circumstances.

The student must submit evidence and/or arguments they believe support any of the three grounds for appeal listed above, and their explanation of the evidence or arguments. The provost may deny the appeal, or if one or more of the appeal grounds have been met, may:

- return the case to the Director/Principal for reconsideration; or
- appoint an alternate disciplinary authority, as appropriate, to review the case.

Absent extenuating circumstances, the provost will notify the student of the appeal decision within five business days of the appeal receipt deadline. This deadline may be extended if warranted by the circumstances, in which case the student will be notified at the time the extension is determined.

The decision made by the provost to grant or deny the appeal is final. Should an appeal be granted, the subsequent determination and/or sanction is/are final.

Because Middlebury is committed to cultivating a safe, healthy and inclusive community where all individuals treat each other with respect, we ask all students to complete an on-line training course as part of the pre-departure process.

Middlebury's primary concern is for the health and safety of its students; therefore, the [Medical Amnesty Policy](#) exempts students who seek medical help for themselves or others from disciplinary action.

#### *Student grievance policy (Oxford program only)*

Student grievances should, in the first instance, be brought to the attention of the Principal.

At every stage in the process, the Principal – or, if appropriate, another member of staff – will ensure that the complainant understands the student grievance policy.

It may be that the Principal is able to resolve the matter informally by consultation with any students, tutors and staff involved. If a student is not satisfied with an informal resolution, then he/she can bring the matter to the Principal in writing. The Principal will investigate the matter, seeking guidance from others as appropriate. The Principal will then communicate the decision swiftly to the complainant. If a student is not satisfied with the decision of the Principal, then he/she can appeal to the Dean of International Programs at Middlebury College. The Dean's decision is final.

Should there be any merit in a complaint, then prompt and proportionate action will be taken to rectify the situation.

Concerns about academic standards and quality may be raised with the Quality Assurance Agency (QAA), which has educational oversight over the M-CMRS program.

## B. Academic Policies

Please choose from the following content:↻

- [B.1. Academic Honesty/Honor Code](#)
- [B.2. Language Pledge](#)
- [B.3. Academic Program](#)
- [B.4. Master of Arts Degree Candidacy \(graduate students only\)](#)
- [B.5. Credit Validity \(graduate students only\)](#)
- [B.6. Grades, Transcripts, and Transfer of Credit](#)
- [B.7. Add/Drop](#)
- [B.8. Change of Status \(Middlebury undergraduates only\)](#)
- [B.9. Withdrawals](#)
- [B.10. Auditing](#)
- [B.11. Class Attendance](#)
- [B.12. Exams](#)
- [B.13. Internships](#)
- [B.14. Arts Classes \(Studio Art, Dance, Music\)](#)
- [B.15. Independent Projects & Studies](#)
- [B.16. Physical Education Courses](#)
- [B.17. Graduate-Level Coursework \(Undergraduates only\)](#)
- [B.18. General Policies](#)

### B.1. Academic Honesty/Honor Code

Middlebury requires complete intellectual honesty of every student in the preparation of all assigned academic work. Work submitted must be your own. For written work you may consult friends or native speakers about few grammatical problems, but your work may not in any way be corrected or rewritten by others. Exceptions to this rule must be made explicitly by the instructor and/or Director/Principal and must apply to all students. You are strongly encouraged to ascertain the format in which faculty expect quotations from secondary sources.

Unless explicitly allowed by the faculty member, the use of translation or AI software for any further benefit than that derived from a dictionary (i.e. definition, spelling, or pronunciation) for individual words (not phrases, nor whole sentences) is a violation of the academic honesty code. Violations of the [honor code](#) may result in disciplinary action up to and including expulsion from the Middlebury Schools Abroad program.

If the Director, or in the case of Oxford, the Senior Tutor or Assistant Senior Tutor, suspects a student of plagiarism, cheating, or duplicate use of written work, the Director/Senior Tutor/Assistant Senior Tutor will gather the evidence, including offering to meet with the student, and determine with the instructor whether or not a case should proceed. If it is decided that there is a case, the evidence will be forwarded to the appropriate administrator/faculty on the Vermont campus. That person will then make a determination as to whether the policy was violated and assign a sanction.



Graduate students should be aware that if the sanction results in an F on the assignment, and that F lowers the final course grade to below a B- (MA students) or B+ (DML students), [no course with these grades may be applied toward the degree](#). Students are further reminded that any student who is assigned a final grade of F for a course will be dismissed from the program.

## B.2. Language Pledge

To take full advantage of their time abroad, students are expected to maintain the spirit of the Middlebury Language Pledge and speak only the language they are studying. With the exception of our program in the United Kingdom, we expect no English to be used in the Schools Abroad offices, except in emergency consultations with the Director/Principal and their staff.

Students should recognize that this pledge plays a major role in the success of their study abroad experience, both as a symbol of commitment and as an essential part of the language learning process, as proven by the success of the Middlebury Language Schools. Speaking the target language to each other as well as to locals will help students to focus their energies on the acquisition of the language and to internalize the patterns of communication and the cultural perspective associated with the target language. Upholding the Language Pledge pays enormous dividends for students, both linguistically and culturally. Students need to respect the fact that most students are strongly committed to the Language Pledge, and violating it undermines the goals of other students.

Students enrolled in the Schools Abroad (except for the United Kingdom) are required to sign the Language Pledge as follows:

*To take fullest advantage of my time abroad, I will maintain the spirit of the Middlebury Language Pledge to speak only the language that I am studying. I understand that no English is to be used in the School's offices, except in emergency consultations with the Director/Principal and their staff. I recognize that the Language Pledge plays a major role in the success of the academic, social, and personal dimensions of my time abroad, both as a symbol of commitment and as an essential part of the language learning process, as proven by the successes of the summer Language Schools. I understand that speaking the target language with other students on the program as well as with locals will help me focus my energies on the acquisition of the language and internalize the patterns of communication and the cultural perspectives associated with the language.*

*Violation of the Language Pledge deprives me and my fellow students of a valuable opportunity. By signing this, I agree to abide by the Middlebury College Language Pledge.*

Students violating the Language Pledge will be given a verbal warning. Subsequent violations will result in the following disciplinary action(s):

- Written warning. This is considered informal College discipline and is not part of the student's permanent record. The written warning remains in a student's file until graduation, when it is removed.
- Probation. Notification to the home institution and parents/guardians occurs in cases of probation. Probationary status is effective for a designated period of time, at the discretion of the Director. Probationary status is informal College discipline and is not part of the student's permanent record, but a probationary status letter remains in a student's file until graduation, when it is removed.
- Dismissal from program. Dismissal is a permanent part of the student's file. In case of dismissal from the School Abroad, no refund of the program fee is made. Parents or guardians and the student's home institution are informed when students are dismissed.

In all cases, it is important to note that discipline is cumulative at Middlebury, and each infraction will be considered in determining future disciplinary penalties and may serve to make further violations of Middlebury regulations more serious.



## B.3. Academic Program

### *a) All Undergraduates*

A student's workload must be approved by the Director/Principal of the School Abroad. The Director/Principal can deny a student's enrollment in particular courses based on the student's language ability and academic background.

All students are expected to take a "normal full load" of courses and are encouraged to take all of their courses in one faculty (i.e., school within the larger university, such as the "Faculty of Social Sciences"). No students are permitted to take lighter loads; single-semester students may not take heavier loads. Students in their second semester abroad in the same country may petition the Director/Principal of the School Abroad if they wish to take one additional course. The petition should address how the student plans to balance the heavier load with the cultural opportunities available on-site. The request for a heavier load must also be approved by the student's academic advisor (Middlebury students) or by the study abroad advisor (students from other colleges and universities). Any student who enrolls in an extra course without adhering to these guidelines will have the course treated as an unofficial audit and neither the title nor the grade will appear on the student's Middlebury transcript. Students should consult their advisor or department chair if they wish to count courses toward major, minor, distribution, or other requirements.

### *b) Middlebury Undergraduates*

The number of courses a student enrolls in varies by School Abroad. Middlebury students carrying a "normal full load," as defined by their School Abroad, receive nine units of credit for the academic year, four units of credit for fall or spring semesters, and five units of credit for the fall/winter or winter/spring semesters.

Middlebury students who are enrolled in a fall/winter program whose fall semester exams all fall in December according to the official university exam period will receive four units of credit and will be permitted to return to Middlebury for J-term. Where J-term equivalency credit is awarded, reduced course loads result in the loss of this credit as well. If a student participates in two different programs during one academic year and neither covers J-term, provided the student carries a "normal full load" during each semester, they will receive a winter term equivalency credit, or WTEQ. Students who are off-campus for both fall and spring may not enroll for J-term on the Vermont campus.

Students who are receiving the WTEQ because their program overlaps with J-term may not be on the Vermont campus to earn a credit. Students whose fall program ends one or more days into J-term may not return to campus and enroll in a course for J-term. Similarly, students whose spring program begins the last week of J-term may not be enrolled in a J-term course on the Vermont campus and leave early to study abroad.

### *c) Students from other Colleges and Universities*

Middlebury considers a semester and an academic year abroad equivalent to a semester and an academic year in the U.S. The academic year at the Middlebury Schools Abroad is divided into two semesters. Start and end dates vary significantly but are usually tied to the academic calendar of the local universities where students take their mainstream courses.

### *d) Graduate Students*

Graduate students must enroll in at least 3 units of credit each term (summer, fall, and spring). Students who enroll in less will not be eligible for financial aid. Graduate students are not permitted to repeat a course for which they have received a passing grade and earned credit. Graduate students are normally not permitted to enroll in more than 5 units of credit in a single term.

### *e) Course Modality*

The expectation is that students will take all courses in person, unless there is an emergency that warrants a pivot to online/remote course.

### *f) Courses Not in the Target Language*

Students may elect to take one (and only one) of their courses in English or in another foreign language, per semester, when certain conditions are met. Students from colleges/universities other than Middlebury should consult their home institutions to confirm they will be allowed to earn credit if taking a course that is not taught in the target language.

#### 1. Studying Another Language in the Target Language

Students are not permitted to start a new language while enrolled at a School Abroad, unless that language is relevant to the local cultural/historical context (e.g., a local or indigenous language). When academically justified (e.g., when the other language is part of the student's undergraduate major/minor), a student may continue their study of another language by taking a single course in that language for credit. In the case of continuing previous foreign language study, students should be prepared to be evaluated upon their return to their home institution to determine if they are eligible to advance to the next level. In cases with no academic rationale, credit will not be granted. In these cases, students may make private arrangements to continue the language at their own expense.

#### 2. Major-related Courses in English (undergraduates only)

If courses needed for a student's major are only offered in English, the student may enroll in one course taught in English per semester abroad. Students may not enroll in courses in English to fulfill minor or distribution requirements abroad.

Any language taught at our Schools Abroad that are not taught at Middlebury (e.g. indigenous languages) carry the course designation "IGST".

## **B.4. Master of Arts Degree Candidacy (graduate students only)**

The Master of Arts degree in French, German, Italian, Russian, or Spanish requires twelve units in the areas of language, literature, and civilization, or the specific academic focus of the Applied MA track. Receipt of the Bachelor of Arts degree or the equivalent from a regionally accredited institution is a prerequisite for admission to the Master of Arts program. Students are notified by letter of their formal acceptance into the Master of Arts program after successfully completing three graduate-level courses during their first summer of study on the Middlebury or Bennington campus. If a student earns a grade lower than B- in any course during the summer of candidacy, the student will be notified in writing that admission to the Master of Arts degree program has been denied. Students who are denied admission to the Master of Arts degree program may submit a letter requesting reconsideration of candidacy if special circumstances exist that contributed to the negative outcome of the summer of candidacy. Written requests will be reviewed by the director whose decision, in consultation with faculty and the Dean's office (if necessary), is final. Any student who is granted permission for readmission to the summer of candidacy must successfully complete all courses required for the degree. They may then complete the Master of Arts at a Middlebury School Abroad or by attending subsequent summer sessions in Vermont.

A highly-qualified undergraduate student may accumulate, before receipt of the B.A. degree or equivalent, a maximum of three graduate units at the Language Schools to be applied toward the Master of Arts degree. Such units may not count toward both degrees.

Master of Arts degree students who are assigned a final grade of “F” in any course will be dismissed from the program. All other failing grades represent unsatisfactory progress and may jeopardize a student’s eligibility for federal loans, and may be grounds for dismissal from the program. Transfer courses may not be used to make up for failures. All failed courses must be made up during a summer session in Vermont or at a School Abroad. In addition, the original, failing grade will remain on the student’s Middlebury transcript. A Master of Arts candidate who withdraws from a School Abroad may complete the degree only through further study on the Vermont campus. Special permission must be granted to complete the degree at a School Abroad.

## B.5. Credit Validity (graduate students only)

All credits and units expire after ten years, whether earned at Middlebury College or transferred from another institution. The validity of a degree, which certifies a level of achievement, does not expire.

## B.6. Grades, Transcripts, and Transfer of Credit

The following grades are used: A, A-, B+, B, B-, C+, C, C-, D, F. **No grade below a B- may be applied to a Middlebury Master of Arts degree, nor below B+ to the Doctor of Modern Languages degree.** An A+ grade is available only at the graduate level and represents exceptional level of achievement. Late submission of course work may have a negative impact on student grades as determined by the course instructor.

Since our host universities do not use the same system of credits and grades as U.S. institutions, students receive U.S. equivalent credits and grades as established by the appropriate School Abroad Director/Principal. Your country-specific handbook includes the relevant conversion chart for your School Abroad.

Effective fall 2024, Middlebury College undergraduates enrolled in a Middlebury School Abroad may elect the Credit/No Credit grading option for a single course per semester, following the framework of the Middlebury College [Credit/No Credit policy](#). Individual deadlines to invoke or revoke Credit/No Credit vary by program due to differing academic calendars and will be published in the Schools Abroad academic calendars. Undergraduates from institutions other than Middlebury may invoke the Credit/No Credit grading option in accordance with the Middlebury College policy provided non-standard grades are accepted by their home institution.

When final grades become available, students will be able to access them online via BannerWeb. Grades are never released over the phone.

### *a) Middlebury Students*

Grades are automatically recorded on the student's Middlebury College transcript. You will be able to access your grades via BannerWeb as soon as you complete the study abroad evaluation.

### *b) Students From Other Colleges and Universities*

Students from other institutions should be aware that while your home college or university may not indicate your grades earned abroad on your institution's transcript, you will have a permanent academic record at Middlebury, and applications to graduate and professional schools require the submission of original transcripts from all institutions of higher education attended in the U.S. or abroad.

The normal course load for undergraduates is 4 or 5 courses per semester, depending on the school, equivalent to 16 or 15 credit hours, respectively, or 20-25 quarter hours.

When you applied to the program, your study abroad advisor indicated to which address at your home institution your Middlebury transcript should be sent. Middlebury will send one copy of your transcript from your semester(s) abroad to this address for the purpose of credit transfer. If you are a post-bac student, Middlebury will send your transcript to your home address. Additional copies may be requested in writing and for a fee from the [Middlebury Registrar's Office](#).

### *c) Graduate Students*

Master of Arts degree students who are assigned a grade of "F" will be dismissed from the program. Doctor of Modern Languages students who are assigned a grade of "B" or lower will be dismissed from the program.

After formal admission to the program, candidates for the MA and DML degrees may request permission from the Language Schools Registrar to transfer from another institution a maximum of the equivalent of one full-time summer of study at Middlebury (three units). To be considered for transfer, courses must be valued at the equivalent of one unit of Middlebury credit (three semester hours, four and a half quarter hours, or six ECTS units). For courses taken at institutions on the quarter system that do not carry credit equaling three semester hours, the Middlebury College Language Schools grant (a) one unit of credit for two quarter courses or (b) two units of credit for three quarter courses. Please submit in writing which option you intend to follow.

Only courses taken after successful completion of the initial summer and formal admission to degree candidacy may be transferred (i.e., courses taken at other institutions before the first summer of study may not be transferred toward a Middlebury graduate degree). No courses, whether transferred or earned with Middlebury, may be applied toward more than one academic degree. Written approval of a course's transferability must be obtained from Middlebury before registering for the course. Courses that have not been pre-approved will be considered for transfer only in those instances in which a student can demonstrate that pre-approval was not possible (for example, due to a last-minute cancellation of a pre-approved course). Middlebury College courses transferred to another degree program will no longer be eligible for a Middlebury College degree.

All transfer credits must be obtained at the graduate level and taken at an accredited institution that offers a Master of Arts degree in either the language of study or a related discipline. In either case, to be considered for transfer credit these courses must be taught entirely in the language of the student's degree program. We do not accept certificate courses, asynchronous online courses, correspondence courses, independent study, courses taught fully or partially in English, or courses from extension or continuing education programs. Students may not transfer courses from our partner institutions abroad if they are not enrolled in our program at the time the courses are taken. For a specific School's policies on transfer credits from MAT or MEd programs, please consult with the School director. The courses must be taught in the foreign language in the areas of language analysis and linguistics, culture and civilization, literature, or professional preparation, and must not duplicate courses already taken for degree credit. All units counted toward a degree must be taken on a graded, not a pass/fail or credit/no credit, basis. No grade below a B- may be applied toward a Middlebury MA degree. No grade below B+ may be applied toward a DML degree. Courses may not be transferred to make up for courses failed at a Middlebury summer session or at a School Abroad. Students with failing grades forfeit as many possibilities of transfer credit as they have failing grades.

### *d) Incompletes*

**Note: Incompletes are not an option at all Schools Abroad. At those Schools Abroad that do have the option, the following policy will apply:**

A grade of "Incomplete" must be approved by the Director/Principal of your School Abroad and will only be granted in cases of **extreme** necessity (i.e., documented illness, emergency, or legitimate extenuating circumstances). There must be a clear understanding between the faculty member and the student as to the conditions under which the "Incomplete" is to be removed. Students who wish to petition for an "Incomplete" in a non-emergency situation are required to complete a special form available from the School Abroad's office at least three weeks prior to their departure. All "Incompletes" must be made up one month prior to the end of the following semester, according to the School Abroad's calendar. Be sure to allow sufficient time for the material

to be received and graded by the appropriate professor before these dates. **Students are responsible for ensuring that the professor receives the material in a timely fashion.** Students should be sure to keep a copy for themselves. "Incompletes" not removed by the deadline mentioned above automatically become "Fs" on the student's transcript. **It is the responsibility of the student to make sure that this deadline is respected---no warnings are sent by Middlebury to the student.**

#### *e) Appealing Grades*

Students who wish to appeal a course grade should write to the relevant Director of the School Abroad, or in the case of Oxford, the Senior Tutor or Assistant Senior Tutor, stating the reasons and submitting copies of all relevant supporting materials. Students should be aware, however, that appealing a course grade will cause a thorough review of the grade, which means that it is possible that the grade may actually be revised downward. Appeals must be made within six months of the grade being posted. Subsequent appeals may be made to the Dean of International Programs (for undergraduate students) or the Dean of Language Schools (for graduate students), whose decisions are final, students should be aware that if the sanction results in an F on the assignment, and that F lowers the final course grade to below a B- (MA students) or B+ (DML students), [no course with these grades may be applied toward the degree](#). Students are further reminded that any graduate who is assigned a final grade of F for a course will be dismissed from the program.

If a professor changes a grade as a result of intervention by the student, it will not be recognized by Middlebury. The only grade changes that are acceptable are those that result from going through the aforementioned process.

## **B.7. Add/Drop**

Students should refer to the academic calendar for specific add/drop dates. Permission of the Director/Principal of your School Abroad is required in all cases.

Students who are dismissed or who voluntarily withdraw after the on-site registration period and before the last week of classes will receive a grade of "WD." Students who are dismissed or who voluntarily withdraw during the last week of classes or after will receive a grade of "F" in all of their courses. More information about the Schools Abroad withdrawal policy may be found [here](#).

In exceptional circumstances, and when indicated by a medical or health care professional, students may request to withdraw from one (and only one) course, rather than withdraw entirely from the program. If granted by the Director/Principal of the School Abroad, the student receives a WD on their transcript.

## **B.8. Change of Status (Middlebury undergraduates only)**

All requests by Middlebury undergraduates for changes in their enrollment status in a School Abroad must be submitted no later than October 15/June 1 on a Change of Status Form, signed by the Director/Principal of your School Abroad, to International Programs (IPOCS), who will then advise the Registrar and any other office. This includes requests from students enrolled in a School Abroad for the full year who wish to return to Middlebury for the spring semester, requests from students enrolled in a School Abroad for the calendar year who wish to return to Middlebury for the fall semester, requests from students enrolled in a School Abroad for the fall semester who wish to extend their stay to the full academic year or to transfer to another Middlebury School Abroad and requests from students enrolled in a School Abroad for the spring semester who wish to extend their stay to the full calendar year or to transfer to another Middlebury School Abroad. A student enrolled for the full year who wishes to return to Middlebury after the fall semester will be admitted for winter term or spring semester (whichever will be their first semester on campus after the end of their academic program abroad) if

they advise IPOCS by the October 15 deadline. After the October 15 deadline, IPOCS staff will email the Residential Systems Coordinator to put the student on a waiting list for either a winter term or a spring semester return to Middlebury. A student enrolled for the calendar year who wishes to return to Middlebury after the spring semester will be admitted for fall semester if they advise IPOCS by the June 1 deadline. After the October 15/June 1 deadline, IPOCS staff will email the Residential Systems Coordinator to put the student on a waiting list for a return to Middlebury.

The College and the Schools Abroad may not be able to accommodate requests for changes in status submitted after the October 15/June 1 deadline, in which case a student who wishes not to remain abroad would be required to withdraw from the College for the remainder of the year.

## B.9. Withdrawals

This withdrawal policy applies to any student who decides not to participate in the program abroad or who is dismissed from the program abroad on or after the start of the program. All programs are considered to start on the first day of orientation for fall or spring-only students, and again on the first day of spring classes for academic year students.

Students who withdraw after the on-site registration period will receive grades of “WD”; refunds apply as per the Withdrawal Refund Schedule outlined in [Section C.4](#). A grade of “WDF” as indicated on the back of the Middlebury College transcript applies only to Language Schools and not to Schools Abroad. Students who are dismissed or who withdraw after the on-site registration period and before the last week of classes will receive a grade of “WD” in all of their courses.

Students who are dismissed or who voluntarily withdraw during the last week of classes (i.e., beginning at 12:00am local time on the fifth class day prior to the start of exams) or after will receive a grade of “F” in all of their courses.

Middlebury undergraduate students who withdraw from a School Abroad after the start of a semester are not normally eligible for readmission to Middlebury the following term.

In some cases, the Vice President for Student Affairs or their designee may impose specific requirements for readmission if the circumstances of the student’s departure warrant it. The goal of such conditions is to prepare the student for a successful return to Middlebury.

In exceptional circumstances, and when indicated by a medical or health care professional, students may request permission to withdraw from one (and only one) course, rather than withdraw entirely from the program. If permission to withdraw from a specific course is granted by the Director/Principal of the School Abroad, the student would stop all work related to that course and receive a “WD” on their transcript for that course.

Middlebury undergraduate students who receive permission to withdraw from a course abroad should understand that because of the reduced course load, they will no longer be eligible for a WTEQ (winter-term equivalent credit), where applicable.

Although this is the policy for a student’s Middlebury transcript, depending on the laws of the host country, a failing grade or a failure to complete the course may become a part of a student’s permanent academic record at the host institution.

### ***a) Paperwork & Procedures for Withdrawal from a School Abroad***

A student must notify the Director/Principal of the School Abroad in writing of the intent to voluntarily withdraw and the Director/Principal should complete the withdrawal form and send it to the student for a signature. The Director/Principal must send that withdrawal form to International Programs within 30 days of withdrawal. The

Dean of International Programs (for undergraduates) and the Dean of Language Schools (for graduates), in consultation with the Director/Principal, may impose conditions on readmission designed to support the student's health and academic success.

### ***b) Notice to the Student's Home Institution***

Middlebury reserves the right to notify all institutions or programs in which the student is (or will be) enrolled of any withdrawal or dismissal of the student from a Middlebury School Abroad.

### ***c) Readmission***

A student who would like to seek readmission to a School Abroad after withdrawal must reapply.

MA candidates who wish to seek readmission after a withdrawal from a School Abroad should refer to the Schools Abroad Handbook Section [B.4. Master of Arts Degree Candidacy](#).

## **B.10. Auditing**

While auditing is permitted for enrolled students at our Schools Abroad, it is not recorded on the Middlebury College transcript. The “audit” notation on the transcript is only allowed for academic year courses on the Vermont campus.

## **B.11. Class Attendance**

In order to benefit fully from your experience abroad, as well as for reasons of courtesy towards instructors, it is imperative that your arrival to class be punctual, your presence continuous, and your participation active. Attendance is required throughout your courses. Travel and other absences must be reserved for those periods when your attendance in class, or at other academic or mandatory events, is not required. Regular or repeated absences without a medical excuse or similar extenuating circumstances are considered unexcused absences and may result in course warnings and will ultimately affect the final grade. When disruptive to the program, this can result in the student's dismissal from the School Abroad.

***Visits by parents, relatives, or friends do not constitute a valid excuse for not attending classes or completing assignments on time.***

Students are generally not permitted to make private arrangements for submission of required work or completion of exams with individual instructors. Students engaging in such activities may have their final grades reduced.

Early submission of coursework is not an excuse to leave early, nor should work be submitted after the deadline established by the instructor. In case of illness, students are advised to seek medical advice promptly, so as to avoid complications. It is the student's responsibility to keep the School informed of their progress by personally telephoning the office staff, to present a medical certificate, and to make up work missed after consulting with the instructor. Failure to adhere to these regulations may result in a lower grade or failure in the course.

Students are expected to complete the program in-country. Departing before the official end day of the program, per the relevant School Abroad calendar, is not permitted.



## B.12. Exams

Students are required to take all exams when and where they are designated even if students on other study abroad/exchange programs are allowed to opt out or rearrange exam schedules. Students do not have the option to take exams a second time; nor will they be allowed to have them proctored in the U.S. This means you are required to sit for exams at the same time and place as students in the host country. In many of our host countries, local students have multiple opportunities to take a final exam. Students enrolled in a School Abroad are not permitted to avail themselves of this option.

## B.13. Internships

### *All Students*

*Internships are not guaranteed for any participant.* They are granted on a competitive basis and subject to the agreement of the School Abroad and the prospective employer. Placements are dependent on availability and the previous experience, qualifications, and language ability of each student. Interns need to dress appropriately for their work environment, thus those working in offices will need to pack dress clothes.

Students who pursue internships are expected to follow through with their commitment until the end of the semester. Students who fail to do so after the on-site registration period will earn an "F" and will be ineligible to enroll in another course.

Paid internships or practica may not receive credit.

### *Undergraduate Students*

Students may earn up to one class's worth of credit, depending on the school, while attending a School Abroad. This credit will be assessed as a letter grade. Students from other institutions are eligible to take credit-bearing internships if their home school's policies allow, or if they do not need that credit to transfer. **Not all U.S. institutions grant academic credit for internships.** It is the student's responsibility to confirm with their home institution that they are eligible to receive credit for an internship prior to arriving in-country. Volunteer opportunities are available for students who do not wish to pursue credit-bearing internships, but who do wish to gain work experience abroad. Only students who attend two different Schools Abroad (in two different countries) may, potentially, do two internships for credit during their time at the Middlebury Schools Abroad.

### *Graduate Students*

Graduate students studying for the full year at a School Abroad will be able to receive up to one unit of credit toward their degree in an internship while at the School Abroad. All graduate students in the Applied Languages (AMA) degree program are required to complete a practicum in their specialization as a requirement of the degree. The practicum will be evaluated on both the student's professional performance at the practicum itself and on the academic work completed in relation to the practicum experience. The supervising faculty member will work in close consultation with the student's practicum supervisor throughout the semester and consider their feedback when assigning the final grade for the practicum experience.

Given that the practicum is a key component to successful completion of the AMA degree, **any student whose practicum performance is evaluated as unsatisfactory by the practicum- and/or faculty supervisor will be deemed to have made unsatisfactory progress in their degree as a whole and will not be permitted to continue in the AMA program.** If their academic work earns a passing grade (defined as a grade of B- or better), they will, however, be given the opportunity to transfer to the MA program in the same language of study, with permission from the program director. Students should be aware that this transfer may require



additional coursework beyond the standard 12 units of credit that comprise an MA or an AMA degree. . Any additional and/or remaining coursework must be completed within the ten years allotted for degree completion.

As with any other course, a student who receives a final grade of “F” in their practicum will be dismissed from the graduate program all together, without the option of transferring from the AMA to the MA program.

Students participating in an internship, or a practicum are expected to dress appropriately for their work environments; those working in offices will need to pack dress clothes.

## **B.14. Arts Classes (Studio Art, Dance, Music)**

Students wishing to enroll in course work toward their major or minor in studio art, dance, or music must submit a letter from their academic advisor to International Programs the semester prior to going abroad confirming they have reached a level of performance sufficient to make semi-independent work in the foreign context both feasible and profitable and indicating the number of contact hours required to obtain one unit of credit (three semester hours).

Every effort will be made to find an appropriate course for the student but it is not always possible. Fees incurred will normally be covered up to the number of hours required for one unit of credit. The program does not cover the cost of lessons or work that is not pre-approved for credit by the student’s advisor or department chair.

## **B.15. Independent Projects & Studies**

### **Independent Project (500 Projects)**

Undergraduates with advanced preparation and a superior record in their field may register for an independent project ("500") abroad. To do so, they should submit a letter from their department to International Programs at Middlebury College during the semester prior to studying abroad i.e., not upon or after arrival at the School Abroad. The letter should indicate the adviser’s (or department’s) readiness to assess and grade the project on the student’s return to the United States. Please note: An incomplete will appear on the student’s record until Middlebury College receives a grade from the adviser from the home institution. The grade must be submitted by the beginning of the next semester.

### **Independent Study**

Depending on the School Abroad, and with the approval of the director of the School Abroad, undergraduates with advanced preparation and a superior record in their field may be able to enroll in an independent study under the supervision of a faculty member on-site.

## **B.16. Physical Education Courses**

Middlebury undergraduate students are required to complete two physical education courses prior to graduation. They may fulfill one or both of these requirements abroad by participating in an approved physical education course. Students should consult Middlebury physical education department ([pe@middlebury.edu](mailto:pe@middlebury.edu)) to seek approval for these courses.

## B.17. Graduate-Level Coursework (undergraduates only)

Middlebury College undergraduate students who plan to use graduate-level course work taken at a School Abroad towards their undergraduate degree must let the Middlebury College Registrar's Office know before the end of their semester/year abroad. A qualified student may accumulate a maximum of three graduate units toward a Middlebury M.A. degree before receipt of the B.A. degree, or equivalent. Students from other colleges or universities should contact the Registrar's Office at their home college or university *before* taking any graduate-level courses abroad.

## B.18. General Policies

### Training and Education

Prior to departure, all Schools Abroad students are required to complete live and/or online training programs regarding sexual violence primary prevention and response, which includes: bystander intervention and risk reduction, information about Middlebury's policies and procedures, definitions of prohibited behaviors, reporting, confidentiality, Middlebury's Title IX Coordinator and designees, resources, prevalence, and other related information.

### Program Testing

Students at the Middlebury Schools Abroad will be tested on their language competence (where applicable) both upon arrival and prior to departure (year-long students may be tested at the mid-point as well).

## C. Financial Policies

**Please select from the following content:** 

- [C.1. Fees](#)
- [C.2. Cancellation Fees and Schedule](#)
- [C.3. Withdrawal Refund Schedule](#)

### C.1. Fees

Students assume full responsibility for the payment of all [program fees](#) and [bills](#) by the due date. Non-participation in any voluntary activity shall not be cause for non-payment or a refund of any portion of the program fees.

### C.2. Cancellation Fees and Schedule

The cancellation policy applies to any student who commits to the program abroad, but then decides not to attend prior to the start of the program. All programs are considered to start on the first day of orientation for fall or

spring-only students, and again on the first day of spring classes for academic year students. If a student chooses, for any reason, to cancel their commitment to the program prior to the published arrival date, Middlebury reserves the right to charge the student according to the Cancellation Fee Schedule below. In addition, at the time of cancellation, Middlebury will calculate the total amount of non-recoverable costs incurred on the student’s behalf. If the total amount of these non-recoverable costs is greater than the appropriate cancellation fee noted in the Cancellation Fee Schedule, Middlebury will charge the student the total amount of non-recoverable costs.

Academic year students who withdraw for the spring semester prior to the start of the second semester will forfeit any non-recoverable costs for the spring semester but will not incur a separate cancellation fee. These non-recoverable costs cannot be calculated until receipt of written notification.

After June 1 (fall programs), after October 15 (spring programs) or more than 30 days prior to the program start (summer programs)	Student incurs \$500 cancellation fee, plus any non-recoverable expenses if applicable
Less than 30 days prior to the program start	Student incurs \$1,000 withdrawal fee, plus any non-recoverable expenses if applicable

### C.3. Withdrawal Refund Schedule

Students who withdraw after the start of the program may receive a reduction of the billed charges according to the table below, less any non-recoverable expenses (payments made or due on behalf of the student), provided that written notification of withdrawal is received by Middlebury within the indicated time frame. All programs are considered to start on the first day of orientation for fall or spring-only students, and again on the first day of spring classes for academic year students. Students who are dismissed from the program are not eligible for a refund.

Withdrawal Date	Amount of Credit
Before the Program Start Date	100% of tuition and billed housing charges credit and <a href="#">cancellation fee</a> applied
Program Start Date through the end of the second week of the program	75% of tuition and billed housing charges credited*
Third week through the end of the fourth week of the program	50% of tuition and billed housing charges credited*
Fifth week through the end of the eighth week of the program	25% of tuition and billed housing charges credited*
After the start of the ninth week of the program	0% of tuition and billed housing charges credited*

\*Middlebury students also forfeit the study abroad administrative fee.

#### Middlebury students (undergraduates and graduates):

Students whose withdrawal results in a reduction of the billed charges will have the College charges and their financial aid adjusted based on the amount of time they were enrolled according to both Middlebury and federal formulas.

Students who have received any financial aid or scholarships should contact Student Financial Services at [sfs@middlebury.edu](mailto:sfs@middlebury.edu) or 802-443-5158 to obtain information on how a withdrawal may affect their financial aid and student account balance.

If adjustments to billed charges and financial aid create a credit balance on your account, you may receive a refund payment for the amount of the credit balance through your student account with Nelnet Campus

Commerce.

### **Students from other colleges and universities:**

For students from colleges or universities other than Middlebury whose home institution is paying Middlebury directly for all or any part of the billable charges, you will also be subject to any applicable refund policies of your home school.

If adjustments to billed charges create a credit balance, depending on billing arrangements with your home institution, you may receive a refund payment for the amount of the credit balance through your student account with Nelnet Campus Commerce. Any credit balance on your institution's account with Middlebury will be refunded to the institution.

## **D. Other Program Policies**

**Please choose from the following content:** ↻

- [D.1. Student Records](#)
- [D.2. Email Policy](#)
- [D.3. Media Use Policy](#)
- [D.4. Bed Bug Policy](#)
- [D.5. Independent Activity During Program Breaks](#)
- [D.6. Religious Holidays](#)
- [D.7. Alcohol and Illegal Drugs](#)
- [D.8. Married Students](#)
- [D.9. Students with Disabilities](#)

### **D.1. Student Records**

A transcript for each student is kept in the [Middlebury College Registrar's office](#). The individual School offices in Middlebury and abroad also keep applications, correspondence, brief memoranda of conferences with students, and evaluations of students' work by instructors, when they judge that such information may be useful or necessary in giving continuing counsel. Please see the Middlebury Handbook for more information about the [Records Policy](#).

### **D.2. Email Policy**

Middlebury students should continue to use their college email address ([username@middlebury.edu](#)). Students from other colleges and universities are issued a Middlebury email address ([username@middlebury.edu](#)) upon enrollment in the program. This Middlebury-issued email address will be used by Middlebury for official communication with students. The College expects that such communications, many of which are time-sensitive, will be received and read. Middlebury provides an email forwarding service that allows students to read their email via other service providers. Students who choose to forward their email from the @middlebury.edu address to another address should be aware that sometimes emails or attachments may be lost; this will not constitute an excuse for a student's lack of awareness or response.

Students should [download the Authenticator app](#) to their phone AND select the authenticator phone app as the method for confirming their identity to ensure continued access to their email accounts while abroad; once you buy a local SIM card, having an SMS sent to your phone (with U.S. number will not work).

## D.3. Media Use Policy

Middlebury College has unrestricted right to use and publish photographs taken of participants while enrolled at the Middlebury Schools Abroad. This includes photographs or videos, for editorial purposes, or any other official college purpose consistent with Middlebury's education mission. This may include print, electronic, or any other media form.

## D.4. Bed Bug Policy

If a student or host/landlord believes bed bugs are present, they must notify the Schools Abroad Director/Principal promptly. Middlebury will ordinarily cover the cost of a first extermination treatment only if it is unclear whether the bed bugs were introduced by the students. The cost for subsequent treatment of the same room will be shared (50-50) by the student and the host/landlord. If it is clear at the outset that one or the other party is responsible for bringing in the bed bugs, that individual will be responsible.

## D.5. Independent Activity During Program Breaks

Similar to most U.S. campuses, the School Abroad staff cannot be expected to be available to support students to manage health and safety incidents that occur during breaks (i.e. vacation breaks or between semesters). During these breaks, students will still have access to the medical and emergency resources available through GeoBlue and Global Rescue.

## D.6. Religious Holidays

Middlebury College recognizes that the student body includes adherents of many faiths and that observance of religious holidays is an important part of religious practice for many students. The Middlebury Schools Abroad also recognize that students may wish to observe some of these holidays while they are abroad. To this end, we have adapted the [Middlebury College Religious Holidays policy](#) to apply to the Schools Abroad as well, while still operating within the confines of the host cultures and universities in which we work.

Students attending a **local host university** will be subject to that university's calendar and policies regarding religious observance. Middlebury does not have jurisdiction over these calendars or policies.

Middlebury College recognizes the following holidays as major holidays, which warrant application of the [Middlebury Religious Holidays policy](#): Rosh Hashanah, Yom Kippur, and the first day of Passover; Good Friday and Easter Sunday; Eid al-Fitr and Eid al-Adha. Students studying at a **Middlebury academic center** may expect that the Middlebury College Religious Holidays policy will also apply to the observance of these holidays with regards to center coursework. Students whose conscientious religious observance requires their absence on days other than or in addition to those named above are expected to make use of the following procedure prior to the holiday: The student should submit written notification of the pending religious holiday to

their School Abroad Director/Principal at least one week before the holiday. The Director/Principal will then review the student's request related to that particular holiday. Upon approval of the request, the Director/Principal will assist the student in requesting and/or establishing alternative arrangements for class attendance, papers, and/or exams at the Middlebury academic center.

## D.7. Alcohol and Illegal Drugs

Involvement with or dependency upon drugs or excessive or illegal use of alcohol is viewed by Middlebury as a health concern, as well as a disciplinary matter. Many of the safety incidents that our students have experienced have occurred when the students were intoxicated. Schools Abroad students, faculty, staff and visitors must not only adhere to [Middlebury's policies of alcohol and drug use](#), but abide by the laws and policies of the host country and institution.

Overseas authorities also consider illegal drug use to be an extremely serious matter. Local laws often impose severe penalties, including jail time, for conviction of drug possession, no matter what the quantity. Moreover, it is not uncommon for the accused to be considered guilty until proven innocent and be held in jail. Middlebury College and U.S. officials will be powerless to help students found to be engaging in unlawful drug use or the selling or transporting of drugs.

Any time a Schools Abroad official has reasonable concerns that your health is being compromised by alcohol or other drug use (even in cases where no concrete evidence or direct witness is involved), a drug and/or alcohol consultation or assessment may be required.

In addition, the Schools Abroad official may notify your family and/or home institution regarding concerns about drug or alcohol use.

## D.8. Married Students

Students whose spouse travels overseas with them should be aware that they cannot expect assistance with visa applications for their spouses or other family members. Likewise, spouses and other family members are not permitted to join excursions or activities arranged by the School Abroad. Students may elect to purchase health insurance through GeoBlue International Health Insurance for their spouse or children traveling abroad with them for the same period that they are enrolled (see [Health & Security Insurance](#)).

## D.9. Students with Disabilities

United States and Vermont disability laws do not apply overseas, and programs and/or institutions abroad may not offer the types of accessible facilities, accommodations, or support services that students typically receive in the United States. Prior to their departure, students with documented disabilities should contact the College's Disability Resource Center ([ada@middlebury.edu](mailto:ada@middlebury.edu)) with sufficient advance notice to help them investigate the availability of resources abroad. Costs for adaptive equipment and personal assistants are the student's responsibility. Mobility International USA (541.343.1284; <http://www.miusa.org>) is an excellent resource on travel for people with physical disabilities.

## Previous Handbooks

[College Handbook 2022-2023 \(as of July 2023\)](#)🔗

[College Handbook 2018-2019](#)🔗

[College Handbook 2017-2018](#)🔗

[College Handbook 2016-2017 \(as of June 2017\)](#)🔗

College Handbook 2016-2017, as presented on the Middlebury College Web site (June 2017)

[College Handbook 2015-2016 \(as of June 2016\)](#)🔗

College Handbook 2015-2016, as presented on the Middlebury College Web site (June 2016)

[College Handbook 2014-15 \(as of June 2015\)](#)🔗

College Handbook 2014-2015, as presented on the Middlebury College Web site (June 2015)

[College Handbook 2013-2014 \(as of June 2014\)](#)🔗

College Handbook 2013-2014, as presented on the Middlebury College Web site (June 2014)

[College Handbook 2012-2013 \(as of July 2013\)](#)🔗

[College Handbook 2010-2011 \(as of July 2011\)](#)🔗

[College Handbook 2009-2010 \(as of Jan. 2010\)](#)🔗

College Handbook 2009-2010, as presented on the Middlebury College Web site (January 2010)

[College Handbook 2008-2009 \(as of June 2009\)](#)🔗

College Handbook 2008-2009, as presented on the Middlebury College Web site

[College Handbook 2007-2008 \(as of June 2008\)](#)🔗

College Handbook 2007-2008, as presented on the Middlebury College Web site