Approved by: Faculty, March 19, 1991
Approved by: Board of Trustees
Effective Date: April 11, 1991

2.0 Faculty Employment Policies and Procedures

A dedicated faculty is essential for the institution to fulfill its mission. The faculty has a responsibility to strive to become more effective teachers, artists, designers and scholars.

The faculty shares in the responsibility for shaping the institution's academic governance policies and has a particular obligation to promote conditions conducive to free inquiry and academic freedom. Faculty members reserve their right to criticize and seek revision of policies.

This part of the Faculty Handbook contains the approved policies and procedures of Ringling College of Art and Design concerning the terms and conditions of employment of the faculty of the College. It is incorporated into the individual contract of employment of each faculty member. Where the terms and provision of an individual contract of a faculty member are inconsistent with the general policies contained herein, the provisions of the individual contract shall supersede. Otherwise, provisions (Part II) of this Handbook are legally binding on all parties for the specific period covered by a letter of appointment and will not be changed during that period. Should there be any misapplication or misinterpretation or violation of the specific provisions of this section, the faculty member involved in such a situation may file a Grievance under the Grievance Procedures found in Section 2.14. It should be noted that all other parts or sections of this Faculty Handbook do not come under the Grievance Procedures in this Handbook.

2.1. Faculty Status and Appointment at Ringling College of Art and Design

Ringling College of Art and Design is an institution dedicated to preparing students for careers in the professional arts. The College seeks faculty whose qualifications meet standards established by its accrediting agencies and who are also professional, experienced artist, designers or scholars. Once employed, full-time faculty members are expected to remain current in their discipline and professionally active.

2.1.1. Faculty Qualifications

A. Liberal Arts Faculty

Faculty teaching liberal arts courses must have a doctoral or master's degree in the teaching discipline or a master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

B. Business Faculty

Faculty teaching business courses must have a minimum of a MBA with a concentration in the discipline to be taught (i.e. Management, Finance, Marketing, Accounting, Project Management, etc.) or, a Master's Degree focused on the Business of Art and Design, or Creative Enterprises. A PhD or DBA with a focused area of study and research in the teaching discipline is optimal.

C. Studio Faculty

The M.F.A. is the preferred terminal degree for studio faculty. In some cases studio faculty may instead hold other master's degrees that are considered to be terminal in their fields.

If a faculty member does not qualify due to the above criteria, there are two additional options available to the College. Faculty qualifying using the criteria below will have appropriate documentation placed in their faculty file.

D. Alternative Professional/Portfolio Qualifications

Ringling College recognizes that the knowledge and skills necessary for quality instruction at an institution emphasizing the professional practice of art and design may be developed in many different ways and that the most qualified person for a position may not hold the academic credentialing required in sections A-C above. In such cases, Ringling College will base its decision on appointing faculty on whether the candidate has significant experience and training sufficient for the discipline he or she will teach.

Faculty who do not have the required degree from A through C above in their field may be hired as full-time and part-time faculty if they meet the following minimum requirements.

1. A four-year professional degree. Ringling College defines the professional degree as one with at least 63% of the total credits for the Bachelor's degree in the creation and study of art and design or in the discipline area of teaching.
    a. International degrees and credentials will be evaluated by an independent evaluation service to determine if they are equivalent to a four-year professional degree in art or design.

2. A portfolio which shows a superior competence in technique, ideas and presentation in the area in which the candidate is being considered. The portfolio is evaluated by members of the Search Committee on the basis of the competencies required to be a practicing professional in the field.

3. Demonstration of advanced knowledge of the subject and evidence of articulation and communication skills necessary for successful teaching.

4. Teaching experience (preferred but not required.)

E. Visiting Practitioner (Adjunct/Part Time) Only

When there is a specific curricular objective that is best met by hiring a part-time faculty member who does not have a four-year professional degree in art and design, but whose work is an outstanding example of practice in the areas they will teach, the degree requirement may be waived by special action of the Vice President of Academic Affairs.

The file of the faculty member who does not hold a terminal degree must contain written documentation prepared by the appropriate Department Head or Program Director and approved by the Associate Vice President and Vice President for Academic Affairs specifying the rationale for the appointment and listing the experience and credential which support it.

2.1.2 Type of Appointment

Faculty appointments may be one of five kinds: adjunct, long-term part-time, full-time, full-time remote, or visiting full-time. An adjunct appointment consists of four teaching units or less and is one which terminates at the close of a period of time specified in the letter of appointment. A full-time appointment consists of six teaching units. A visiting full-time appointment consists of six teaching units and is one which terminates at the close of a period of time specified in the letter of appointment. A long-term part-time faculty member has taught in an adjunct appointment at the College for eight consecutive semesters prior to the end of academic year 2018-2019 and is currently teaching.

2.1.2.1. Definition of a Unit

A teaching unit is defined as one three-credit course.

2.1.3 Administrators with Faculty Status

Outgoing administrators with faculty status will be appointed to teaching positions if there is a vacancy, if they are qualified, and if their appointment is approved by the Department Head/Program Director, the Vice President for Academic Affairs, and the President.

Professional librarians have faculty status but no retreat rights to a department. See Sections 2.1.4, 2.5.9., and 2.8.2.1. Professional Librarians come under the provisions of both the Faculty Handbook and the Staff Handbook. In case of a conflict, the President shall resolve the conflict under the general policy that the most favorable condition to the employee will prevail.

All other administrators listed in Section 1.4 are covered by the provisions of the Staff Handbook.

2.1.4. Professional Librarian Appointment Criteria

Applicants must have a master's degree in library science or its equivalent. Decisions on degree equivalency are made by the Vice President for Academic Affairs in consultation with the Director of Library Services, at the time of the initial appointment. The Vice President for Academic Affairs shall provide the individual and the Director of Library Services with a written copy of his/her decision.

2.1.5. Conferring Emeritus Status on Retiring Faculty

The title of Emeritus/Emerita is an honorary distinction selectively conferred upon a retiring faculty member in recognition of service to the institution. Criteria for the conferring of emeritus/a status normally includes: excellence in teaching, distinguished professional achievement, outstanding service to the College and/or community, and/or special contributions to the advancement of Ringling College, its students, and/or alumni. To be eligible for emeritus/a status, a faculty member must have completed a minimum of ten years of uninterrupted regular, full-time service to the institution and normally would be in status as a regular, full-time faculty member during the semester that the recommendation is made.

The emeritus/emerita status is conferred by the Board of Trustees upon the recommendation of the President.

Support services will be provided to faculty with emeritus/a status to include: Faculty ID, library privileges including online resources, fitness center, e-mail account, printed business cards and receipt of mail at the college address, faculty/staff parking, and participation in graduation ceremonies with appropriate academic regalia.

Emeritus Faculty receive the same benefits at the Sarasota Art Museum as current Ringling College employees (currently this includes free admission and 10% discount at the café and gift shop. Additional support may be available n a case-by-case basis through the Office of the Vice President for Academic Affairs.

Approved by: Faculty, February 28, 2019; Index 2.2.1.B. February 21, 2020; Index 2.2.1.A.3/ February 10,2021
Approved by: Board of Trustees, February 25, 2005
Approved by: President, Index 2.2.B. January 11, 2023
Effective Date: February 28, 2019

2.2. Type of Contract/Letter of Appointment

Ringling College of Art and Design does not award tenure to its faculty. The College does provide for continuous employment for qualified faculty on a year to year basis. A full-time faculty member in good standing may be assured of continued employment under the following provisions:

A. The first four years of full-time employment shall be probationary. During this time, written notice of non-renewal will be given no later than January 15. Final decisions not to renew probationary full-time appointments are made by the President upon the recommendation of the Vice President for Academic Affairs, who will have conferred with the appropriate Department Head or Program Director. Visiting Full-time appointments are not counted toward the probationary period.

B. After the expiration of the probationary period, a faculty member shall continue to be reappointed as long as he or she remains in good standing. Reasons for non-reappointment are listed in Section 2.6.3. The criteria for good standing include: continued teaching effectiveness, continued professional activity in one's area of expertise; continued professional and academic growth; involvement in College activities; and appropriate personal behavior as it reflects on the College. (See Section 2.5. for specifics.) The Department Head/Program Director and Vice President for Academic Affairs will discuss with a faculty member any matters that may affect one's continued employment as soon as feasible when such issues become apparent. If, after a reasonable amount of time and discussion between the faculty member and their primary Department Head/Program Director (usually 30 working days) it is determined that appropriate action should be taken for the non-reappointment of a faculty member with four or more years of continuous service, one of two procedures should be followed:

1. A written notice from the VPAA be given to that faculty member stating the causes of non-reappointment on or before January 15, or

2. A written notice indicating that the faculty member has been placed on probation and has one year to correct the stated causes for possible non-reappointment.

2.2.1 Principles Underlying Faculty Assignments

A. <u>Background</u>

1. A department is administered by a Department Head. A program is administered by a Program Director.

2. A course is supervised by an academic administrator of a specific department or program. Such supervision involves: (1) the primary evaluation of the course and its effectiveness in the curriculum; (2) the evaluation of the faculty member teaching that course; and (3) overseeing issues involving the facility in which the course is taught.

3. The supervision of elective courses is managed by Academic Affairs or assigned to specific departments by the VPAA. The supervision of art history and general academic courses is assigned to the Program Director of the Liberal Arts program. The supervision of first-year studio courses is assigned to the Program Director of the First Year Studio program.

B. Full-Time Faculty

1. A full-time faculty member is assigned to a department or program where the majority of his/her teaching units are supervised. This is the primary assignment. Factors used to determine teaching assignments are considered including:

    a. the discipline of the faculty member;
    b. the past assignment(s) of the faculty member;
    c. other related factors

    Primary assignment exceptions may be made by the Vice President for Academic Affairs to appoint a faculty to a Department or Program to best meet the academic needs of the Institution, after consultation with the Associate Vice President for Academic Affairs/Dean of Faculty and the appropriate faculty member, Department Head or Program Director.

2. The primary departmental assignment of a full-time faculty member involves a variety of responsibilities and privileges, such as:

    a. Attendance at all department or program meetings is expected. Normally, one or two such meetings a month will occur during the academic year.

    b. Involvement in committees or discussion groups as requested by the Department Head, Program Director, Area Coordinators, VPAA or other institutional Administrators.

    c. Other related activities, e.g. readings, seminars, and so forth, that will keep the faculty member up to date on the business of that department or program, as recommended by the Department Head or Program Director.

    d. Involvement in curriculum review and revision, formulation of department or program policies, and other ongoing business.

    e. Voting privileges on department or program issues, as well as issues discussed in All-College Faculty meetings. after completion of one semester of full-time teaching at Ringling College. A faculty member that has not been appointed in three (3) consecutive semesters must complete one semester of full-time teaching before regaining voting privileges.

    f. Active participation in committees and task forces as requested by the VPAA.

3. Full-time faculty whose courses are supervised by more than one Department Head or Program Director have a secondary assignment, in addition to their primary assignment. A secondary assignment involves the following:

    a. Attendance at meetings as requested by the Department Head or Program Director.

b. Involvement in department or program business as requested by Department or Program Director.

c. Voting privileges on curricular matters only if they have attended department meetings at the request of the Department Head or Program Director.

d. Active participation in committees and task forces as requested by the VPAA.

4. Full-time faculty are evaluated by the Department Head or Program Director according to the faculty member's primary assignment. Such evaluation, as specified by the Handbook, includes: teaching effectiveness, professional activities, and service to the College and/or community. Faculty who have a secondary assignment are only evaluated on their teaching effectiveness by the academic administrator of that secondary department or program. These evaluations can be given directly to the VPAA.

5. All full-time faculty are expected to attend All-College Faculty meetings. Such attendance is required for voting privileges. If circumstances beyond a faculty member's control prevent the member from attending the faculty meeting, his/her vote may be submitted through a written proxy.

C. Adjunct and Long Term Part-time Faculty

1. Adjunct faculty members are assigned to the departments and/or program in which their courses are supervised or as determined by the VPAA. Adjunct faculty may be invited to department or program meetings. With Department Head or Program Director approval, adjunct faculty may have voting privileges on departmental curricular issues.

2. Adjunct faculty members are evaluated by the Department Head or Program Director supervising the course they are teaching. The evaluation is based on teaching effectiveness and determines their reappointment.

3. Adjunct faculty are encouraged to attend and participate in All-College Faculty meetings and related College functions.

4. Adjunct faculty who have been appointed for six semesters, for a minimum of one (1) teaching unit each academic year, and are currently teaching, have voting privileges at All-College Faculty meetings An adjunct faculty member who met the requirements to be long-term part-time in academic year 2018-2019 will continue to be referred to as long-term part-time and will have voting privileges at All-College Faculty meetings in each semester that they are teaching in an adjunct appointment at the College. If a faculty member has not been appointed in three (3) consecutive semesters, an adjunct or long-term part-time faculty member must meet the six semester criteria prior to becoming eligible to vote.

5. Long Term part-time or adjunct faculty are not assigned to committees unless they are interested.

D. Visiting Full-time Faculty

1. Visiting full-time faculty members are appointed for a one year term. A visiting full-time faculty member may be reappointed for an additional one year term, but in no event will there be more than a total of three such annual appointments. Reappointments will be determined during each annual appointment period.

2. Visiting full-time faculty members are assigned to the department or program in which their courses are supervised. Visiting full-time faculty are expected to attend department or program meetings, and have voting privileges at All-College Faculty Meetings after completion of one semester of full-time teaching at Ringling College Visiting faculty are required to teach six courses or 18 credit hours per year, but committee service and advising may not be required.

E. Full-Time Remote

1. Full-Time Remote faculty may only teach courses in any semester that are not duplicated with face-to-face course delivery or by special permission from the Vice President for Academic Affairs.

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Approved by: Board of Trustees, February 25, 2005, Nov. 6, 2019 & Administrative Update October 30, 2014
Effective Date: November 6, 2019

2.3 Search and Appointment, Policies and Procedures

The quality of initial appointments is vital to the quality of teaching and scholarship to which the College is committed. The following statements of policy for recruitment to the faculty are intended to aid Department Heads/Program Directors, the Vice President for Academic Affairs, Search Committees and others who are involved in making initial appointments. In normal circumstances, the College gives notice of employment opportunities by appropriate publication and follows regular procedures in the evaluation of applicants.

2.3.1. Authority to Hire

Final Authority to hire and retain faculty members is vested in the President. This authority is customarily exercised by the Vice President for Academic Affairs through procedures established to ensure adequate consultation with the faculty and full compliance with equal employment opportunity laws, and after consultation with the respective Department Head or Program Director.

2.3.2. Equal Employment Opportunity

The College provides equal employment opportunity to all persons without regard to sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information, or any other basis prohibited by law.

The policy applies to all areas of employment, including: recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation benefits, and all other conditions and privileges of employment in accordance with applicable Federal, State, and Local laws.

The College complies with all relevant and applicable provisions of the Americans with Disabilities Act of 1990 (ADA), as amended and Section 504 of the Rehabilitation Act of 1973, as amended. The College will not unlawfully discriminate against any qualified employee or job applicant with respect to any terms, privileges, access or conditions of employment because of a person’s physical or mental disability. The College also will make reasonable accommodations wherever necessary for employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and provided that any accommodations made do not impose an undue hardship on the College.

Although managers and supervisors are primarily responsible for ensuring the implementation of the College’s Equal Employment Opportunity policies, all members of the faculty and staff share in the responsibility for assuring that by their personal actions the policies are effective and applied uniformly to everyone.

Anyone engaging in practices that violate the Equal Opportunity Policy, including discrimination, harassment or retaliation against someone who complains about discrimination shall be subject to disciplinary action, up to and including discharge.

Anyone who believes he or she has been subjected to unlawful discrimination, harassment, retaliation or other practices in violation of the Equal Employment Opportunity Policy should immediately contact the Director of Human Resources.

For students, the Student Conduct system will be the mechanism for handling reports of alleged violations of these policies. For employees, the Faculty Grievance Procedures and the Staff Grievance Procedures will be the mechanism for handling reports of alleged violations of these policies.

2.4. Personnel Records

Faculty/staff personnel records, as required by law and deemed essential for efficient operations, are maintained by the College. Because appointment as a faculty member may lead to a continuing relationship with the College, it is essential that there be adequate and detailed documentation to support actions involving each individual, especially those actions pertaining to appointment, layoff, and dismissal.

2.4.1. Official Personnel File

Basic documents to be found in each faculty member's file in the Office of Human Resources:

a. Initial Employment Documents
   - Letters of application
   - Letters of reference
   - Appointment Letters

b. Personal data documents with such information as:
   - Date of Birth, Marital Status, Race, Sex, etc.
   - Person to notify in case of emergency

c. Appointment Status Documents
   - Letters of Appointment
   - Salary History documents
   - Status or change of status documents
   - Documents relating to separation, including layoff or dismissal
   - Appointment-related correspondence

d. Payroll Documents
   - Deduction Authorizations
   - Payroll adjustments

e. Benefits Data Documents including information such as:
   - Beneficiaries
   - Benefits Plan elections
   - Dependent(s) names, age, birth-date, relationship

With the approval of the Director of Human Resources, and the knowledge of the individual faculty member, this file is available only on a "need to know" basis.

A faculty member may, for the cost of duplication, obtain copies of any materials in his/her official personnel file. Any such copies will be made by a staff member assigned by the Director of Human Resources.

The official personnel file will be kept in strictest confidence and will be available for confidential use only to the individuals listed above. However, for a valid reason, the faculty member may authorize (in writing) access to his or her file by a person not indicated above.

Further, the College may permit access to and copying from such files pursuant to lawful requests and identification of federal or state agencies relevant to investigations, hearings, or other proceedings pending before such agencies of the courts. The College will notify faculty if a third party requests access to their file. Faculty personnel files may not be removed under any circumstances from the Office of Human Resources.

Faculty and Staff are requested to report promptly to the Office of Human Resources changes in status as listed below:

Change of:
- Name
- Address
- Telephone Number
- Marital Status
- Name, birth-date, relationship and total number of dependents
- Person to notify in case of emergency
- Beneficiary Information

2.4.2. Faculty Credentials File

In addition to the official personnel files kept in the Office of Human Resource, the Office of Academic Affairs maintains the faculty credentials file which includes the following:

a. Professional Development Plans and Annual Reports
b. Performance Reviews/evaluations
c. Professional activity information and materials
d. Up-to-date resumes and examples of professional work
e. Transcripts from prior educational institutions

Faculty are requested to keep their Academic Affairs files updated on an annual basis, including:
- Resume, slides, and professional activity
- Formal education, courses completed and other training or skills acquired

With the approval of the Director of Human Resources, this file is available for confidential use on a “need to know” basis only. Examples of those with a “need to know” would be the Board of Trustees, legal counsel, the President, the Director of Human Resources, and Department Heads/Programs Directors. However, for a valid reason, the faculty member may authorize (in writing) access to his or her file by a person not indicated above.

Further, the College may permit access to and copying from such files pursuant to lawful requests and identification of federal or state agencies relevant to investigations, hearings, or other proceedings pending before such agencies of the courts. The College will notify faculty if a third party requests access to their file. Faculty credential files may not be removed under any circumstances from the office of Academic Affairs.

A faculty member may, for the cost of duplication, obtain copies of any materials in his/her official credentials file. Any such copies will be made by a staff member assigned by the Vice President for Academic Affairs.

2.5 Evaluation Criteria of Faculty Performance and Development

The evaluation process at Ringling College of Art and Design is a means by which members of the teaching faculty can obtain constructive and balanced information which will enable them to better fulfill their academic responsibilities. It is also used to review probationary faculty members and aids in the determination of merit raises.

Members of the teaching faculty receive regular evaluation of the performance of their faculty assignments.

Annually, Department Heads and Program Directors are expected to have at least one evaluation interview with each primary member of their department and to visit the classrooms of their faculty members. In the case of a probationary Department Head or Program Director, a senior member of the departmental or program faculty may make the classroom visit. The Vice President for Academic Affairs will be responsible for making sure that an evaluation is done, reviewing these evaluations, and ensuring that they are included in the appropriate files.

The Department Head/Program Director and/or Vice President for Academic Affairs, after a faculty evaluation, will give the faculty member reviewed a written notification of their findings and recommendations for future development.

2.5.1. Teaching and Advising

The paramount responsibility of each faculty member is teaching and advising students. All faculty members are expected to strive for excellence in teaching and advising.

2.5.1.1 Teaching Effectiveness

Ringling College of Art and Design recognizes that excellence in teaching is one of the most important attributes of a faculty member. Since many characteristics contribute to teaching effectiveness, documentation should demonstrate, but not necessarily limited to the following:

a. Command of one's subject.

b. Knowledge of the relationship of one's discipline to the visual arts tradition.

c. Knowledge of current developments in one's discipline and pedagogy.

d. Ability to relate one's subject to other areas of knowledge.

e. Skill in communicating with students.

f. Ability to plan and execute a substantive well-organized course.

g. Ability to stimulate and broaden student interest in the subject matter.

h. Capacity to challenge students, i.e., motivate independent work.

i. Ability to utilize effective teaching methods and strategies.

j. Possession of the attributes of integrity, open-mindedness and objectivity in teaching

Teaching effectiveness can be assessed by evidence generated by the following procedures or activities:

a. Self-evaluation.

b. Evaluations by Department Head/Program Director and/or Vice President for Academic Affairs.

c. Peer evaluations.

d. Student evaluations.

e. A review of course syllabi by peers inside or outside the College.

f. Further course work or other continuing education in one's field.

g. Participation in seminars and/or workshops on teaching skills.

2.5.1.2 Advising

Faculty members have an obligation to advise students in their classes about classwork and to provide information related to the student's field of study or make appropriate referrals when necessary. Characteristics, which contribute to good advising include, but are not, limited to, the following:

a. Ability to communicate with students.

b. Willingness to discuss with students a course of study appropriate to their interests and abilities and to the aims of a visual arts education.

c. Ability to guide students to the proper source of information or advising.

Effectiveness in advising may be assessed by evidence generated by the following procedures or activities:

a. Self-Evaluation.

b. Evaluations by Department Heads/Program Directors and/or Vice President for Academic Affairs.

c. Peer evaluations.

d. Student Evaluations.

e. Participation in workshops or seminars designed to improve advising skills.

2.5.2 Scholarship and Professional Activity

Effective teaching necessitates active involvement in the intellectual, creative and scholarly developments in a discipline. Because what is considered appropriate may vary from discipline to discipline, research, performance or creative work should be evaluated in terms of its quality, for example: its level of recognition among peers, and its significance to the particular discipline. Scholarly activity may include, but not necessarily be limited to the following:

a. Sustained inquiry in an area of one's discipline.
b. Scholarly productivity demonstrated by publications, or artistic works, and performances and exhibitions.
c. Application or nomination for creative arts grants and projects.
d. Presentation of research at professional meetings.

Excellence in scholarship may be assessed by evidence generated by the following types of procedures and activities.

a. Documented, self-report of activities.

b. Evaluation or statements by professional peers.

c. Inclusion in juried publications or exhibitions.

d. Citation of research or creative arts projects in other works.

e. Award of grants, prizes, or commendations.

f. Demonstrated skill in methods of scholarship associated with one's discipline or field of study.

g. Willingness to share expertise with the College.

2.5.3 Service to the College

A college like Ringling College of Art and Design must necessarily depend upon its faculty for services rendered outside the classroom. Therefore, a faculty member may reasonably be expected to participate in the operational concerns of the institution. Such participation may include, but not necessarily be limited to, the following:

a. Service on departmental committees, attendance at departmental meetings and participation in the decision-making and curriculum-development processes.

b. Effective participation on College committees.

c. Leadership in some area of Ringling College of Art and Design such as governance, faculty development, and/or curriculum design.

d. Service as chair of a committee.

e. Acting as representative of the College to the larger regional, national or international community.

Demonstration of service activities may include, but not necessarily be limited to, the following types of evidence:

a. Self-report of activities.

b. Department Head/Program Director and/or Vice President for Academic Affairs ratings.

c. Information from committee chairs.

2.5.4. Service to the Profession

All faculty members have an obligation to keep abreast of developments in their field. Faculty members are encouraged to support and be active in appropriate professional organizations. Service activities in support of the profession include, but are not necessarily limited to:

a. Appointment in a scholarly capacity to a state or national post.

b. Participation in professional organizations (i.e. attendance at annual meetings).

c. Leadership position in professional organizations.

d. Presenting papers.

e. Service in the individual's professional areas.

f. Reviews of creative work.

Demonstration of service to the profession may include, but not necessarily be limited to, the following types of evidence.

a. Documented self-report of activities.

b. Evaluation or statements of professional peers.

c. Published citations or acknowledgements of contributions.

2.5.5. Service to the Student Body

In addition to their responsibilities in advising, faculty members may serve the student body in other ways when appropriate. Such other service to the student body may include, but not necessarily be limited to, the following:

a. Service as adviser to a student organization.

b. Service as moderator of student activities.

c. Planning and/or participating in extracurricular student activities.

d. Planning and/or participating in curricular-related enrichment activities outside normal course offerings,

Sources of documentation include, but are not necessarily limited to, the following:

a. Self-report of activities and, where not self-evident, of time spent.

b. Information from the Dean of Student Life.

c. Department Head/Program Director Ratings.

2.5.6. Service to the Community

A faculty member may provide service to the community by working with people and/or organizations who are not in his/her professional field. Such service may include, but not necessarily be limited to, the following:

a. Exhibitions and lectures to nonprofessional community groups.

b. Participation in political, church, or community activities.

c. A leadership position in political, church, or community activities.

d. Participation in nonprofit organizations designed to serve the general public.

e. Service to community groups in a professional capacity outside one's discipline (e.g., creative arts consultant, faculty evaluation consultant at other educational institutions).

Sources of documentation include, but are not necessarily limited to, the following:

a. Self-report of activities, adequately documented and, where not self-evident, of time spent.

b. Awards

c. Testimony or letters by leaders of community groups.

2.5.7. Professional Development

The Individual Program of Professional Development is important in the overall growth of individual faculty members and plays a part in the evaluation process. In order to make a plan of personal development; faculty members must know the long-and short-range curricular plans of the College.

The Vice President for Academic affairs, in consultation with the Department Head/Program Director, shall lead the faculty in academic and curricular planning and make known on a regular basis to departments and individual faculty members duly established long-range and short-term educational goals and the curriculum that will enable them to meet these goals for their departments.

Each faculty member is expected to plan an Individual Program of Professional Development. This program should accord with his/her personal abilities and needs to take into account both the College's and the departments long-range and short-term goals. It should be developed in consultation with, and be submitted in writing to, the Department Head/Program Director. It should be a long-term plan but should also include an intermediate objective to be achieved by the end of a specified period. This program must be maintained on file in the Office of Academic Affairs and should be reviewed annually and revised when necessary.

The Professional Development Plan can be used as supporting documentation for requests to the Faculty Development Committee.

2.5.8 Reviews and Evaluations

Due to the confidentiality of this information and the laws protecting the rights of faculty members, the following policy shall be adhered to regarding faculty evaluations. The President shall be the only other person besides the Vice President for Academic Affairs, the Associate Vice President for Faculty Affairs, the Director of Human Resources and the Department Head/Program Director who have complete access to all evaluations and related information. A faculty member may have access to his/her evaluation forms upon request to the Vice President for Academic Affairs. (See Section 2.4.)

Faculty reviews and evaluations are utilized as a means for faculty improvement and development, and to aid in decisions regarding continuing appointments. The faculty review process is composed of five parts:

1. Student Evaluations of courses should be held during the fall and spring semester.
2. A Departmental Evaluation form is completed yearly by the Department/Program Director for each faculty member assigned to his/her department.
3. A review of the Departmental Evaluation form is completed yearly by the Vice President for Academic Affairs and/or Associate Vice President for Academic Affairs for each member of the faculty.
4. The Individual Program of Professional Development Plan is reviewed each year with the faculty member by the Department Head/Program Director to assess the faculty member's professional growth opportunities in support of academic goals.
5. The Vice President for Academic Affairs and/or the Associate Vice President for Academic Affairs review the completed Professional Development Plan.

2.5.9 Evaluation for Professional Librarians

Professional Librarians will have similar obligations for evaluation under Sections 2.5.2. 2.5.3.,2.5.4., 2.5.5., and 2.5.6. Section 2.5.1 will be replaced by the following section.

2.5.9.1. Job Effectiveness

Ringling College of Art and Design recognizes that excellence in job performance is one of the most important attributes of a professional librarian. The attributes and qualifications to be considered and documented in assessing job effectiveness must be related to the appropriate position classification document and should include, but not necessarily be limited to, the following:

a. Command and knowledge of one's specialty area.

b. Fulfillment of one's principal responsibilities.

c. Ability to direct the activities of subordinate, nonprofessional staff members.

d. Knowledge of current developments in one's area of responsibility through a program of professional growth.

e. Ability to utilize effectively ideas gained from individual study and observation for the improvement of one's area of responsibility in the library.

f. Possession of the attributes of integrity, industry, open mindedness and objectivity.

Sources of documentation include, but are not necessarily limited to, the following:

a. Self-ratings.

b. Supervisor's ratings.

c. Peer ratings.

d. Ratings by users of the librarian's expertise.

e. Ratings by outside experts.

2.6 Separation

At times Ringling College of Art and Design or individual faculty members may find it necessary to sever their contractual relationship. To protect the interests of both parties, categories of separation are here defined and the policies and procedures related to each are set forth.

Types of Separation:

a. Resignation

b. Retirement

c. Non-reappointment

d. Layoff/termination

e. Suspension or dismissal for cause of non-probationary faculty.

2.6.1 Resignation

Resignation is a severance action by which a faculty member voluntarily seeks to be released from a contract with the College. Because of the extreme hardship which is often caused by untimely resignations, it is requested that all faculty members provide the earliest possible notice of an intent to resign. Ordinarily the faculty are expected to give notice to their Department Head/Program Director and to the Vice President for Academic Affairs as soon as possible, not later than March 15. It is expected that, except in unusual circumstances, resignation will be effective at the end of the academic term.

If a resignation is for reasons of prolonged mental or physical illness, the College in consultation with the individual or his/her representative may consider whether the option of a leave of absence would be appropriate and beneficial for all parties concerned.

2.6.2. Retirement

There is no mandatory age of retirement at Ringling College of Art and Design. Faculty members must meet the expectations of their evaluation and professional development contracts as provided for in Section 2.5 to obtain the contractual status to which they are covered under Section 2.2 of this *Handbook*.

On the date when a faculty member retires, employment rights and benefits held by the faculty member shall terminate except those rights vested as of the date of retirement under any pension program provided by the College. Any post-retirement employment of a faculty member at Ringling College of Art and Design will be subject to terms and conditions at the sole discretion of the College.

2.6.3. Non-reappointment

The term non-reappointment means that Ringling College of Art and Design has decided not to renew a faculty appointment at the conclusion of his/her current appointment term. (See Section 2.2)

Non-reappointment is different from “Layoff” in Section 2.6.4 and “Dismissal for Cause” in Section 2.6.5. “Layoff occurs because a major institutional change or exigency and affects contract faculty; “Layoff takes place before the end of the contract term of an appointment. Likewise,

"Dismissal for Cause" applies to all faculty, whether full-time or part-time; "Dismissal for Cause" is a severance action by the College for just cause and may occur at any time.

Legitimate reasons for non-reappointment of a contract may include, but are not necessarily limited to, the following:

a. Cancellation of or change in a program as defined in Section 2.6.4.2

b. Significant declining enrollment.

c. Financial exigencies as defined in Section 2.6.4.4.

d. Unfavorable evaluations by the Department Head/Program Director and the Vice President for Academic Affairs of the faculty member's major appointment responsibilities of teaching and/or advising as defined in 2.5.1.1.- 2.5.7.

e. Inadequate performance of the faculty member's other appointment responsibilities.

f. Changes in state-to-state requirements associated with out-of-state or in-state remote teaching.

The decision not to reappoint a faculty member is made at the sole discretion of the President except that any such decision may not be unlawfully discriminatory, arbitrary, or capricious. The President shall act following completion of the evaluation process described in Section 2.5., or after receiving the recommendation of the Vice President for Academic Affairs who shall have consulted with the appropriate Department Head or Program Director. If the faculty member is the Department Head or Program Director, the recommendation of the Vice President for Academic Affairs shall suffice.

In cases where faculty believe that their non-reappointment has been discriminatory, arbitrary, or capricious, they may commence a grievance in accordance with procedures established in Section 2.14 of this Handbook.

Notice is given under the provisions of Section 2.2.3. A or B.

If the faculty member wishes to know the reasons for non-reappointment, the request should be made in writing to, and honored in writing, by the Vice President for Academic Affairs.

2.6.4. Layoff

Layoff is an action by which the College changes a faculty member's contract in whole or in part before the expiration of his/her current contract, without prejudice as to his/her performance. Reasons for layoff are:

a. Prolonged mental or physical illness.

b. Major changes in curricular requirements, academic programs, or departments.

c. Enrollment emergency as defined in 2.6.4.3.

d. Financial exigency as defined in 2.6.4.4.

2.6.4.1 Prolonged Mental or Physical Illness

Termination of an appointment for medical reasons will be based upon substantial medical evidence that a faculty member is or will be unable to perform the terms, conditions, and normal duties of the appointment due to medical circumstances for a period of at least one-year despite reasonable accommodation.

The decision to terminate for medical reasons will be made only after there has been appropriate consultation and after the faculty member or his/her representative has been informed in writing of the basis of the proposed action and the reasons for it. If the faculty member or his/her representative so requests within ten working days of the notice of termination, the situation, will be reviewed by the Faculty Handbook Committee before the final action is taken by the President. In each case the College will work within the disability program to ease the burden of any such medical termination as far as is contractually possible.

2.6.4.2. Major Changes in Curricular Requirements, Academic Programs, or Departments in Whole or in Part

Layoff of a faculty member may occur as a result of a major change, including discontinuation of a curricular requirement, academic program, or department in whole or in part. Decisions on such layoffs shall be made by the Vice President for Academic Affairs in consultation with the Academic Affairs Committee.

Faculty laid off under a program change, or elimination of a program, will receive at least one semester's notice from the time of a final decision. The College will normally end such programs and the faculty member's relationship with the College at the end of an academic term.

Faculty laid off under this Section have the same rights as those under Enrollment Emergency or Financial Exigency as delineated in Section 2.6.4.3, 2.6.4.4. and 2.6.4.5.

2.6.4.3. Enrollment Emergency

If there is an unexpected drop in total full-time student enrollment brought about by outside factors such as market shifts, state or federal student aid policy changes, economic hardship in the major market area of the institution, or other similar reasons, the President may decide that a state of enrollment emergency is in order. To implement such an emergency state, these steps are necessary:

1. Meet with the Academic Affairs Committee, if necessary, to review the data and institutional plan for action.

2. Give the Academic Affairs Committee a reasonable time (i.e., ten working days) to respond to the problem and plan, with agreement or constructive alternatives to the problem. In the case of equally qualified faculty members as defined by background, degrees, professional activity and evaluations; preference should be given to the faculty member with the most semesters at Ringling College of Art and Design. The decision is made by the Vice President for Academic Affairs.

3. After that consultation, implement the plan using existing faculty and institutional committees with procedures and process outlined in Section 2.6 of this *Faculty Handbook*.

2.6.4.4. Financial Exigency

Financial Exigency is a rare and serious institutional crisis. It is defined as the critical, pressing, or urgent need of the College to reorder its monetary expenditures in such a way as to remedy and relieve the state of urgency within the College created by its ability to meet its annual monetary expenditure with sufficient to prevent a sustained loss of funds.

Before any faculty are terminated because of financial exigency, the Board of Trustees must officially declare that a financial emergency exists. Subsequently the faculty shall be represented in administrative processes relating to program reorganization, or the curtailment or termination of instructional programs due to financial emergency through the Academic Affairs Committee. Faculty shall not, however, necessarily be represented in individual personnel decisions; the President and the Board of Trustees shall have final authority in all matters related to financial emergency.

2.6.4.5 General Procedures Regarding Layoff

When financial exigency, enrollment emergency, or major changes in the curricular requirements, academic programs or departments in whole or in part necessitate the termination of faculty members, a serious institutional effort will be made to assist such faculty members to find employment either at Ringling College of Art and Design or elsewhere.
If a full-time faculty member is laid off for reasons of financial exigency, enrollment emergency, or major changes in the curriculum requirements, or academic programs in whole or in part, no replacement for his/her position will be hired within a period of two years unless the laid-off faculty member has been offered reappointment under conditions comparable to those held at the time of layoff, and has been given at least one month after written notice of the offer of reappointment within which to accept the reappointment.

It shall be the duty of a laid-off faculty member to keep the College informed of his/her current address for purposes of this Section. Notice sent to the address by the College shall be presumed received if sent by certified mail, postage prepaid.

2.6.4.6. Appeals on Layoff

If the administration issues notice to a particular faculty member of an intention to lay off because of reasons discussed in 2.6.4.1, 2.6.4.2, 2.6.4.3, and 2.6.4.4., the faculty member will have the right to a full hearing before a Grievance Review Committee.

2.6.5. Dismissal for Cause

Dismissal for cause is a severance action by which Ringling College of Art and Design terminates its contract with the faculty member for just cause during the term of the contract. Just cause for dismissal must be directly and substantially related to the fitness of a faculty member to continue his/her professional capacity as a faculty member, and shall be determined in each instance by the President, in accordance with procedures outlined below.

Dismissal will not be used to restrain a faculty member’s academic freedom or other rights as citizens. Dismissal proceedings may be instituted on the following grounds, such as:

a. Professional incompetence.

b. Continued neglect of any academic duties in spite of oral and written warnings.

c. Serious personal misconduct.

d. Deliberate and serious violation of the rights and freedom of fellow faculty members, administrators, or students.

e. Conviction of a serious crime.

f. Serious failure to follow the canons and professional ethics of one's discipline.

g. Falsification of credentials or experience.

h. Failure to follow standards of the institution in respect to guidelines within this Handbook after oral and written warnings.

i. Violating rules of conduct, such as defined in sections 2.8.

2.6.5.1. Dismissal Procedures

a. Written notice to the faculty member from the Vice President for Academic Affairs that a recommendation for dismissal for cause shall be made to the President. This notice shall contain a written statement of the grounds upon which the recommendation is to be made, and a brief summary of information supporting such grounds.

b. A reasonable opportunity for the faculty member to meet with the Vice President for Academic Affairs to present his/her defense to the dismissal recommendation before the recommendation is made.

c. A reasonable opportunity for the faculty member to meet with the President to present his/her defense to the dismissal recommendation if it is accepted by the President.

The decision of the President may be the basis of a grievance before the Faculty Grievance Review Committee, which shall review the case and make a recommendation to the President in accordance with procedures established in Section 2.14 of the *Handbook*.

2.6.6. Action Short of Dismissal

Depending on the circumstances, the President may elect to impose a lesser disciplinary action short of dismissal, such as suspension for a period of time without pay or a probationary contract (See Section 2.2.3.b.). In unusual circumstances, the President may take disciplinary action without previous citation or warning. The President has the authority to suspend with or without pay at his/her discretion while a case is under investigation. If the individual is found innocent of the charges, and if pay has been suspended, back pay will be paid.

Suspension may also be the temporary separation of a faculty member from the College where it is determined by the President that there is a strong likelihood that the faculty member's continued presence at the College poses an immediate threat of harm to the College or to individual members of the Ringling College of Art and Design community. Such suspension shall be with pay and shall last only so long as the threat of harm continues, or until dismissal for cause occurs.

The Faculty Handbook Committee shall serve in an advisory capacity to the President on such matters and shall be called upon to review cases where a faculty member questions the decision. The President's decision after such a review shall be final.

2.6.7. Progressive Discipline of Faculty Members

Dismissal for cause must be preceded by a written admonition by the appropriate administrative officer describing the alleged problem and warning that the faculty member's contract status is in jeopardy. The warning must also stipulate a period of time within which correction of the alleged problem is expected. If the faculty member acknowledges and corrects the problem within the stipulated time and fulfills his/her duties, the matter is settled. If the faculty member fails to correct the problem, dismissal procedures or a lesser sanction may be applied.

In view of the past merits of the faculty member, final action of the President may take a milder form of temporary suspension rather than outright dismissal. Such suspension may not last beyond the balance of the current year and the subsequent year but may entail the total or partial discontinuance of all salaries and benefits, the suspension of all promotion and salary increments and the temporary suspension or withdrawal of all faculty privileges.

Grievance procedures may be used through action in Section 2.6.7.

Approved by: Faculty, March 19, 1991
Approved by: Board of Trustees
Effective Date: April 11, 1991

2.7. Physical or Psychological Evaluation

If the President has a reasonable basis to believe that an employee's physical or psychological health may adversely affect the employee's performance, the President may direct the employee to undergo a physical or psychological evaluation to determine their fitness to continue in their position. The evaluation will be performed by a physician, psychiatrist or psychologist selected by the employee from a list of such practitioners provided by the College. The evaluation will be paid for by the College. The employee is required to direct the physician, psychiatrist, or psychologist to provide the President with a copy of all-pertinent records, reports and conclusions. Failure of the employee to cooperate in this process shall be grounds for termination or other action against the employee.

If any report finds the employee not fit for duty, the employee may, at his/her own expense, be examined by another physician, psychiatrist or psychologist and submit the results of that exam to the College. The President will consider that report, but will not be bound by it. If the President determines that the employee is not fit for employment, the employee may be placed on disability leave if the condition is described as temporary. If the condition is permanent, the employment may be terminated.

If the employee disagrees with the President's order requiring the employee to be examined, he/she may appeal the order to the Grievance Review Committee. The Committee will meet as soon as possible and will consider the President's reason for wanting the evaluation and the employee's reason for objecting. If the President states a reasonable basis to believe that evaluation may reveal physical or psychological problems which may adversely affect the employee's performance, the committee will affirm the President's order and the employee will be required to comply. Otherwise, the committee will vacate the order and no evaluation will be required.

2.8. The Faculty's Obligations, Rights, Academic Freedom and Code of Ethics

2.8.1. Teaching Obligations

The essential obligation of faculty members is to teach in the most stimulating and effective way possible. Refer to Section 2.5. Effective teaching requires that the faculty members possess:

a. A current and comprehensive knowledge of the discipline(s) for which they were appointed and/or are currently teaching.

b. Enthusiasm about the importance of learning and the ability to transmit that enthusiasm to students.

c. Significant concern for their own professional work and development.

Faculty members should realize they have a responsibility to the College, to the community, and to their students, as an exemplar of professionalism.

2.8.2 Academic Freedom

The college will provide an atmosphere where there is freedom to pursue truth, artistic and academic excellence, and to discuss all relevant questions pursuant to those academic goals. Faculty members shall have security adequate for freedom to teach and to seek truth as directly related to that faculty member's academic training, experience, and expertise. This includes security of position, income, and assurance of explicit appointment

As a citizen, the faculty member is entitled to the rights to participate in activities related to citizenship in a democratic society. It should be emphasized, however, that when a faculty member speaks or writes as a citizen, the public may judge his/her profession, as well as the institution, by what is said.

The faculty member therefore has a correlative obligation and responsibility imposed by the special position he/she occupies. Most important is the obligation for effective performance of duty. When speaking as a citizen, the faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should overtly indicate that he/she speaks as an individual and does not speak for the institution.

2.8.2.1 Professional Librarian Academic Freedom

Academic freedom, as defined in Section 2.8.2. is accorded to all professional librarians because they are often present at the point of student contact with ideas. Librarians are free from fear of dismissal or reprisal for carrying out job related tasks such as those listed below, and particularly for those duties which are carried out only after consultation with the teaching faculty and /or the library committee such as a. and b. below:

a. The selection of publications, including determination of what to discard from an existing collection and what to accept or refuse from donors.

b. Determination of restrictions on circulation or on access with regard to library materials.

c. The determination of the degree of prominence in the shelving of selected library materials.

d. The issuing of bibliographies that might include controversial publications.

e. The advising of students as to what to read or study.

2.8.3 Code of Professional Ethics

Although no set rules or professional code can either guarantee or take the place of the faculty's personal integrity, Ringling College of Art and Design believes that the "Statement on Professional Ethics" promulgated by the American Association of University Professors, in April of 1966 may serve as a reminder of the variety of obligations assumed by all members of the academic profession.
The statement:

1. Members of faculty, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

2. As teachers, the members of faculty encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of their discipline. They demonstrate respect for the student as an individual, and adhere to their proper role as intellectual guide and counselor. They make every reasonable effort to foster honest academic conduct and to assure their evaluation of students reflects student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from them. They protect student's academic freedom.

3. As colleagues, members of faculty have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of their institution.

4. As members of their institution, members of faculty seek above all to become effective teachers and scholars. Although they observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. They determine the amount and character of the work they do outside their institution with due regard to their paramount responsibilities within it. When considering the interruption or termination of their service, they recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

5. As members of their community, the members of faculty have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression that they speak or act for their college or university. As citizens engaged

in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

2.8.4 Non-harassment Policy

Ringling College of Art and Design strives to maintain a professional work and academic environment in which all employees and students are treated with respect and dignity. A vital element of this atmosphere is the College's commitment to equal opportunities and the eradication of discriminatory practices including harassment, with the goal to provide an academic and institutional climate of non-harassment. Forms of harassment that are encompassed by this policy include harassment based on sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, pregnancy, disability, veteran status, genetic information, or any other basis prohibited by law ("Protected Traits").

Harassment on the basis of a Protected Trait is specifically prohibited by state and federal law and instances of harassment may result in both civil and criminal liability on the part of the individual harasser as well as the College. Harassment's destructive impact wastes human potential, demoralizes employees and students, and perpetuates the tendency for further unacceptable behavior. For these reasons, the College is opposed to harassment in any form in its workplace and activities. This policy establishes procedures to address problems and questions regarding harassment in a prompt, discreet and fair manner. All employees and students are expected to comply and cooperate with its provisions and in accordance with the code of professional ethics.

Harassment: For purposes of this policy, Harassment is defined as conduct on the basis of a Protected Trait when:

1. Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic work, or participation in any aspect of a College education program or activity; or
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, humiliating, or sexually offensive working, academic, residential, or social environment under both a subjective and an objective standard.

Sexual Harassment: Due to the inherent complexity of sexual harassment and harassment on the basis of sex, gender, or sexual orientation, the College maintains a Sexual Misconduct and Title IX Policy to address reports and formal complaints of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking. All complaints regarding Prohibited Conduct under the Sexual Misconduct and Title IX Policy, including sexual harassment and harassment on the basis of sex, gender, or sexual orientation, will be handled pursuant to that Policy. Individuals who have experienced this type of conduct are encouraged to contact a Title IX Coordinator for more information about supportive measures, available resources, reporting to law enforcement if desired, and the formal complaint process for investigating and adjudicating sexual harassment and harassment on the basis of sex, gender, or sexual orientation:

Title IX Coordinator:
Lauren Frasser, Title IX Coordinator

Office location: Ulla Searing Student Center, Second Floor
2700 N. Tamiami Trail, Sarasota, FL 34234
(941) 309-4035 lfrasser@ringling.edu

Deputy Title IX Coordinators:
(Students):
Jekeyma Robinson – Associate Dean of Students for Student Development
Office location: Ulla Searing Student Center, Second Floor
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234
(941) 309-4375 jrobinso@ringling.edu

(Faculty and Staff):
Darren Mathews, Assistant Vice President and Director of Human Resources
Office location: Verman Kimbrough Bldg, First Floor
2700 N. Tamiami Trail, Sarasota, FL 34234
(941) 359-7619 dmathews@ringling.edu

Relationships: Within this section, the following terms and definitions apply:

1. Affiliated Individuals. Employees, trustees, and vendors.
2. Employee. Faculty member (full-time, part-time, or adjunct; regular or visiting) or staff member (exempt or non-exempt; full-time or part-time; regular, casual, or temporary).
3. Trustees. Member or Honorary Life Member of the Board of Trustees.
4. Vendors. Organizations or individuals engaged in a contractual relationship with the College to execute a specific function such as food service, custodial service, other services or to provide temporary staffing services.
5. Student-staff. Undergraduate students enrolled in the College who are employed by the College, (e.g. resident assistant, teaching assistant, tutors).

For the purposes of this section of the policy, a "relationship" is defined as a single romantic date or sexual encounter.

Relationships between Affiliated Individuals and Students. All affiliated individuals are prohibited from initiating, engaging in, or attempting to engage in, sexual or dating relationships with any PreCollege or degree-seeking student. An affiliated individual involved in a sexual or dating relationship with a student which began prior to their engagement with the College or implementation of this policy is exempt from this prohibition, as is an employee whose spouse or domestic partner is a student. However, the relationship must be disclosed as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting or grading structure, can be taken.

Relationships between Individuals in a Supervisory Relationship. All affiliated individuals and student-staff are prohibited from engaging in sexual or dating relationships with anyone under their direct supervision or whom they officially evaluate or mentor. They are further prohibited from officially supervising, evaluating, or mentoring anyone with whom they have had a relationship in the past, regardless of the consensual nature of the relationship. If such a relationship develops or exists, the relationship may be disclosed by anyone, but must be disclosed by the supervisor, evaluator, or mentor as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting structure, can be taken.

Other relationships. Sexual and dating relationships in which there is a power differential, even when the differential does not fall into one of the above categories, may raise questions of sexual harassment or suspicions of unprofessional conduct (e.g. conflict of interest, abuse of authority, favoritism, and unfair treatment). For this reason, even relationships that are not officially supervisory or mentoring in nature may require extra sensitivity where such a power differential occurs. In particular, even though student-staff may not think of themselves as being in a position of authority over other students, by virtue of their responsibilities, they should recognize their experience, role in policy enforcement, or access to tools, equipment, and studio time may result in their being viewed as having more power in a relationship. Anyone concerned that issues described in this paragraph have developed (or may develop) in a relationship they are aware of or a part of is encouraged to seek guidance from the Title IX Coordinator or Deputy Coordinators.

Disclosures**.** All disclosures of existing relationships and reports of concerns should be made to the Title IX Coordinator or Deputy Coordinators. The Title IX Coordinators, at their discretion, may inform the appropriate supervisor and/or the Assistant Vice President and Director of Human Resources (for matters involving staff and/or student-staff), the Vice President of Student Life and Dean of Students (for matters involving student-staff), or the Vice President of Academic Affairs (for matters involving faculty) about a disclosed relationship.

Disclosed relationships will be addressed outside of this policy on a case-by-case basis unless the report contains information which would support a violation of this policy.

The Human Rights Committee: The Human Rights Committee is a fact-finding committee whose purpose is to respond to and resolve harassment complaints, except as otherwise indicated in the Sexual Misconduct Policy. The Committee is a standing committee appointed by the President and comprised of three faculty members, two staff members, and two students. The student members of the Committee will participate only in those cases where other students are involved. The Assistant Vice President and Director of Human Resources will serve as coordinator without vote. If the complaint should be against the Assistant Vice President and Director of Human Resources, one of the committee members is to serve as the coordinator, with vote. If all members of the Human Rights Committee must be recused due to concerns about bias and/or impartiality, the Assistant Vice President and Director of Human Resources or designee may appoint an external individual to perform the duties of the Committee.

Student to Student Harassment: Student-to-Student harassment complaints are to be processed under the disciplinary procedure established and operated by the Office of Student Life, except as otherwise indicated in the Sexual Misconduct Policy. All other harassment complaints are to be processed by the procedures outlined in this policy.

"On Notice" Option of Complaint: Individuals who feel they have been harassed may choose to put the offender "on notice" that the offender's behavior is unwelcome. Often this direct communication by the individual brings a stop to the harassment, and no further action is necessary.

Use of the "on notice" option is not a prerequisite to initiating the complaint procedures set forth in this policy, and the College will not refuse to investigate a complaint on the grounds that the complainant did not have a discussion with the offender.

In other words, the complainant always retains the right to avoid direct interaction with the offender and to initiate the complaint procedure explained in this policy.

Procedures for Informal Complaint: Individuals who believe they have experienced harassment that does not fall under the Sexual Misconduct Policy may seek an informal resolution of the problem. Use of the informal complaint procedures is not a prerequisite to initiating a formal complaint.

Informal complaints may be oral or written and directed to the Assistant Vice President and Director of Human Resources or to any member of the Human Rights Committee. Informal resolution will generally involve the Assistant Vice President and Director of Human Resources or the Human Rights Committee serving as facilitator in an effort to resolve the complaint. The respondent will be informed of the existence and nature of the informal complaint and will have an opportunity to respond. The Human Rights Committee or the Assistant Vice President and Director of Human Resources, serving as intermediaries, will seek a resolution that both the complainant and the respondent can agree upon. If no mutually satisfactory resolution can be found, the Human Rights Committee, the Assistant Vice President and Director of Human Resources, and/or the complainant can decide if further action is appropriate.

Procedures for a Formal Complaint: Harassment complaints that do not fall under the Sexual Misconduct and Title IX Policy are to be directed to the Assistant Vice President and Director of Human Resources or to a member of the Human Rights Committee. The Assistant Vice President and Director of Human Resources or the contact person on the Committee will prepare a written record of the individual's factual allegations which the complainant will then have the opportunity to review before signing. Although complaints should be brought as soon as possible, preferably within six months after an offensive incident, the College recognizes that the sensitivity involved in certain situations may cause individuals to delay taking action.

Once the initial complaint is prepared, the Assistant Vice President and Director of Human Resources or the contact person on the Committee shall convene the entire Human Rights Committee to review the complaint, and to conduct an appropriate investigation of the allegations. This investigation may be limited to informal resolution and a negotiated agreement between the complainant and the respondent, which requires the approval of the Assistant Vice President and Director of Human Resources or a designee. If an informal resolution is not achieved, a designated member of the Human Rights Committee will prepare a report based on the evidence collected containing the Committee's findings and conclusions.

Possible outcomes of the investigation are that the allegations are substantiated, or that allegations are not substantiated. A preponderance of the evidence standard is used to determine whether allegations are substantiated. In the event the allegations are substantiated, the Assistant Vice President and Director of Human Resources or the Human Rights Committee may endeavor, through informal resolution, to reach a negotiated agreement of the sanctions and/or remedies to be imposed; any such sanctions or remedies must be approved by the Assistant Vice President and Director of Human Resources or designee.

If a negotiated agreement cannot be reached, the Human Rights Committee will refer the matter to the College's Vice Presidents for resolution. The Vice Presidents will not reopen a completed investigation unless it can be shown that the investigating individuals made specific errors in reviewing the facts. The Vice Presidents will consider the findings and recommendations of the Human Rights Committee and, in consultation with the President, render a decision. Decisions will be made using the preponderance of evidence standard (i.e. it is more likely than not that the alleged conduct occurred).

Protection of Complainant and Others: All information regarding harassment allegations will be kept in confidence to the greatest extent practicable and appropriate under the circumstances. The College cannot guarantee that the identity of the complainant will be concealed from the respondent, but any retaliation committed by the respondent by way of irresponsible, malicious or unfounded complaints will be investigated. If an investigation reveals that the complainant falsely accused another of harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions and/or discipline.

In order to ensure that a complete investigation of harassment claims can be conducted it may be necessary for the College to disclose to others portions of the information provided by the complainant. The College will try to honor any complainant's request that the College not disclose certain information provided, consistent with the College's obligation to identify and correct instances of harassment.

Penalties: Every claim of harassment will be considered on its own merits. The College will take whatever corrective action and/or disciplinary measures it considers appropriate under the circumstances, including but not limited to counseling, reprimand, probation, suspension, transfer, demotion or immediate termination of an employee or student in accordance with the provisions, policies and procedures outlined in the appropriate Faculty, Staff or Student Handbook.

Approved by President Larry R. Thompson, August 14, 2020
Approved by the Board of Trustees, November 12, 2020
Updated June 1, 2021
Revision approved by President Larry R. Thompson, August 12, 2022
Revision approved by Board of Trustees, April 20, 2023
Administrative Update, February 17, 2025

2.8.5. Drug and Alcohol Use Policy

Ringling considers the abuse of drugs or alcohol by its faculty, staff, or students to be unsafe and counterproductive to the educational process.

The illegal use of drugs or alcohol is a violation of state and/or federal laws punishable by fine, imprisonment, or both. State law prohibits the sale to and the consumption or possession of alcoholic beverages by persons younger than 21 year of age. The Controlled Substance Act (1970, amended 1984), and the Anti-Drug Abuse Act of 1986 provide penalties for unlawful manufacturing, distribution, and dispensing of controlled substances. Other penalties are sanctioned under Florida state and local laws.

An employee or student who illegally uses, possesses, distributes, or sells alcohol or drugs on campus will be subject to prosecution under applicable federal and state laws, and/or disciplinary action. Students, faculty and staff impaired by the use of alcohol and or illegal drugs to the extent that they are unable to perform required duties also shall be subject to disciplinary action.

For purposes of this policy, campus is defined as any area used for educational, recreational, residence hall, or parking purposes, including surrounding sidewalks and exterior areas. Approval may be given for the serving of alcohol at organized and properly scheduled programs and other areas of the campus when said programs will not interfere with scheduled academic activities or the normal operations of the College.

In all cases disciplinary responses shall follow the normal procedures as outlined in the Student Handbook, the Faculty Handbook, and the Staff Handbook.

Disciplinary actions range from referral to drug or alcohol rehabilitation programs to discharge from work or dismissal from College. This policy does not include drug or alcohol testing of any sort, nor is it designed to interfere with the appropriate use of prescription drugs. Employees and students should notify their supervisors or instructors if the proper use of prescribed medication will affect work or academic performance. Abuse of prescription drugs will be treated as outlined above.

2.8.6. Civil Rights Complaints or Harassment

See Non-Discrimination Policy, Section 3.4

Investigation Procedure

The procedures used to process any complaint of civil rights infringement or discrimination will be the same as those used for the investigation of sexual harassment and defined in the Non-harassment Policy, Section 2.8.4.

2.8.7. Violations of Faculty Rights, Academic Freedom and Professional Ethics

Disputes involving a charge that a faculty member's rights or academic freedom has been abrogated or that professional ethics have not been maintained are to be settled through the established Grievance Procedures (see Section 2.14.). While affirming academic freedom as a right, Ringling College of Art and Design recognizes that, in some circumstances, the questions of academic freedom become enmeshed in questions of professional incompetence or irresponsibility. In the effort to distinguish between these sometimes confused issues, the guiding principle is that charges of professional incompetence or irresponsibility shall not be used to limit academic freedom, nor shall appeals to academic freedom be acceptable as a shield for professional incompetence or irresponsibility.

2.9 Professional Growth and Development

Faculty are responsible for keeping abreast with both the scholarship and the pedagogy of their field(s) and related areas. The faculty's continuous growth and development help sustain their vitality which should be apparent in the content and quality of their teaching and scholarship. Moreover, faculty who are aware of new developments in their area are better able to assist their colleagues in curriculum development and improvement.

The principal obligation to recommend and guide faculty development plans and programs belongs to the Vice President for Academic Affairs in consultation with the Department Head/Program Director of each department, and the Faculty Development Committee.

Faculty development programs include: teaching improvement activities, research, formal or informal study, publication, consulting, travel, leaves of absence, grants for faculty development, participation in conferences and institutes and such other activities as may be reasonably expected to assist faculty growth and development. Faculty development programs affect reviews for evaluation of faculty performance (see Section 2.5.8.).

2.9.1. Professional Growth Planning

The Individual Program of Professional Development is fundamental to the faculty member's role. It addresses needs in the person's professional development, further develops personal abilities, includes research to be undertaken, and integrates personal plans with the College's long-range and short-range needs and goals (see also Section 2.5.7).

Each faculty member's program of professional development is planned in consultation with the Department Head/Program Director who looks to the Vice President for Academic Affairs and the Faculty Professional Development Committee for written guidelines.

The Department Head/Program Director of the department will review the individual program of professional development with each member of the department. (This review is less an evaluation than it is a planning session.) At times of review, intermediate goals may be set. The faculty member may amend the Individual Program of Professional Development at any time, in consultation with the Department Head/Program Director.

The Vice President for Academic Affairs or the appropriate Department Head/Program Director will periodically interview faculty in regard to their professional growth plans.

2.9.2. Teaching Development

Ringling College of Art and Design is primarily a teaching institution, and faculty are, therefore, required to continue to develop their teaching excellence. The Office of the Vice President for Academic Affairs, the Department Head/Program Director and the Faculty Development Committee will make known to faculty any internal and external resources available to develop the faculty's teaching proficiency.

2.9.3. Tuition Remission for Faculty

Tuition is also waived for all faculty who desire to participate in any class offered by the College, provided it does not conflict with their work schedule. Fees, such as the General Fee and various Lab Fees, are not waived and must be paid to the College in advance of taking the class.

2.9.4 Institutional Grants for Faculty Development Enrichment

The College, through the Faculty Professional Development Committee, encourages its employees to participate in the professional growth and enrichment program by providing financial assistance in the form of grants to qualified persons. Requests for grants are to be put in writing to the Chair of the Faculty Development Committee any time during the academic college year. The specific deadlines and procedures are available from the Office of Academic Affairs.

Approved by: Faculty, March 19, 1991
Approved by: Board of Trustees
Effective Date: April 11, 1991

2.10. Workload

2.10.1. Teaching Assignments

Faculty assignments are made by the Vice President for Academic Affairs, with the approval of the President, after consultation with the appropriate Department Head/Program Director in making assignments. Primary consideration is given to the course offerings required to meet student needs, as well as to the use of the various faculty strengths. Equity of teaching load and individual faculty preferences are also important considerations.

2.10.2. Absence from Class

a. Short Term Absence: An absence, normally no more than two class periods of an organized class, for which a faculty member may “cover” for another as a professional courtesy.

   Such coverage is an informal agreement and handled between the two faculty members. The faculty member who covers the class is not compensated.

   Faculty responsibilities for covering a class during a short-term absence at a minimum include meeting the class, taking attendance, providing instructions, and answering questions.

b. Extended Absence: An absence, generally not caused by illness, that necessitates extended coverage to maintain instructional integrity (normally beyond two class periods).

   When possible, permission for extended absences must be requested in advance. If not possible, the request must be filed on or before the second class is missed. Extended absences must be approved by the Vice President for Academic Affairs in consultation with the Department Head or Program Director.

   In these circumstances, the Department Head or Program Director will determine the need for a paid substitution in conversation with the department faculty and Vice President for Academic Affairs. Such class coverage will be compensated at a flat rate per class period.

2.10.3. Attendance at College Functions

Members of the full-time faculty are expected to attend College functions including Commencement, student and faculty exhibitions, convocations, and other such designated functions.

2.10.4. Outside Work/Consulting Policy

Persons holding full-time faculty appointments engaging in any professional or consultative activities outside the College should continually report by update to the Office of Academic Affairs and to their resumes listing such activities (see Section 2.4.2).

2.10.5. Faculty-Authored Textbooks and Media

Requiring students to buy a personally-written text, or other personally-authored media, must be discussed with the Department Head or Program Director, or with the Vice President for Academic Affairs if the Department Head or Program Director is the author, before being included in the course syllabus.

Faculty are permitted to require course texts or media they have personally authored provided three conditions are met to avoid conflicts of interest: (a) the text or media is clearly relevant to the course content and is one of the best resources available, (b) the text or media is available through the campus bookstore, (c) if the text is in unpublished form, printing costs are prepaid by the author who will be reimbursed by the bookstore with a maximum markup of 20% above the cost of production.

Faculty may not sell textbooks or other media directly to students enrolled in their classes.

2.10.6. Work Year

The work year at Ringling College of Art and Design may begin up to one week prior to the date of registration for purposes of faculty meetings or committee meetings and ends after graduation day or thereafter when all grades have been submitted to the Registrar on the proper forms.

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Approved by: Board of Trustees
Effective Date: April 11, 1991

2.11 Working Conditions

2.11.1. Injuries

Regardless of the nature or severity, all injuries incurred while on College property must be reported to the Office of Human Resources at once. The College insures all faculty and staff against accidental injuries under the Workers' Compensation Act of the State of Florida (See Section 2.13.1.3.)

Any faculty or staff member with knowledge of an injury must report the injury to the Office of Human Resources the same day the injury is incurred.

2.11.2. Use of Copyrighted Material

Faculty are responsible for knowing and observing the laws concerning the use of copyrighted material. Section 107 of the Federal Copyright Law Revision of 1978 provides that "notwithstanding the provisions of sections 106 and 106A, the "fair use" of a copyrighted work, including use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use that factors to be considered shall include:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational uses.

2. the nature of the copy righted work.

3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

4. the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors."

2.12 Medical, Compassionate, and Public Service Leaves

Examples of leaves covered in this section include, but are not necessarily limited to, short- or long-term personal illness, military training or conscription, jury duty, maternity, child rearing, adoption, critical illness or death in the immediate family, or other compassionate reasons.

2.12.1. Short-Term Leaves with Pay

The College provides for short-term leaves with pay for medical, compassionate, and public service reasons. A short-term leave of absence is not ordinarily more than 10 working days, but may be extended for a longer period of time at the discretion of the Vice President for Academic Affairs in consultation with the Department Head/Program Director and the President. Fringe Benefits will not be affected by this provision.

Short-term leaves for illness or disability are subject to the provisions for short term disability set forth in the "List of Faculty Fringe Benefits," (Section 2.12.4)

Requests for short-term leaves with pay are submitted in writing to the Vice President for Academic Affairs through the Department Head, except that requests for emergency leaves for compassionate reasons may be taken directly to the Vice President for Academic Affairs who may waive a written request in view of the circumstances.

2.12.1.1. Absenteeism Policy

A faculty member may be granted a reasonable number of absences due to sickness, emergencies, etc., without loss of salary provided the College program does not suffer from such absence. When it becomes apparent the faculty member shall be unable to meet his/her classes, he/she should:

a. Notify the Academic Affairs Office

b. Give the reason for the absence and provide as much information as possible regarding class assignments, etc.

c. Indicate anticipated date of return to classes; absence should be reported daily.

Habitual or chronic absences may be considered as cause for dismissal (see Section 2.6.3. and 2.6.4.1).

2.12.2. Jury Duty

Any member of the faculty called for Jury Duty will be given a leave for the necessary period of time. During this leave, all benefits will continue to accrue. The member of the faculty will receive his/her regular Ringling College of Art and Design salary. The request for this leave should be made at the earliest possible date.

Adequate preparations shall be made by instructors to assure continuous operation of classes. A written copy of the preparations should be given to the Department Head/Program Director and the Vice President for Academic Affairs.

2.12.3. Bereavement Leave

Bereavement leave is granted to a maximum of three days with pay, in case of death in the immediate family. For absences due to the death of a relative other than a member of the immediate family, faculty members are allowed one day of absence with pay.

2.12.4. Medical Disability Leaves

Full-time faculty who suffer from a non-occupational disability, including disability arising from pregnancy and/or childbirth, which prevents them from working, may be placed on medical disability leave.

The institution will pay medical disability benefits for a maximum of six months according to the following schedule:

One month's full pay after the faculty member has completed one year of service and so on with one month's full pay for the completion of each year of service up to six months full pay after the faculty member has completed six years of service.

For the College policy on prolonged mental or physical illness, see Section 2.6.4.1. of this Handbook.

Long Term Disability

All full-time employees are provided with long-term disability insurance. This benefit provides you with income replacement if you become disabled. See Section 2.13.2.3, Long Term Disability Insurance.

2.12.5 Leaves Without Pay: Short-Term

Faculty wishing to have extended leave without pay for infant rearing, or adoption reasons, or for any compassionate reason, will make their request as outlined in Section 2.12.1. above. Ordinarily, such leaves will not exceed four months. An effort should be made, however, to arrange the leave to coincide with the academic terms. The faculty member's status will not be affected by such leaves.

2.12.6. Leaves Without Pay: Long-Term

While the College may choose to provide partial or full funding and fringe benefits for any type of leave from College, any full-time member of the faculty may, nevertheless, request a full-time or part-time leave of absence without pay for one of the following reasons:

a. Fellowship award.
b. Completion of research.
c. Formal Study.
d. Other specified reasons in the best interests of the College.

The request for a longer-term leave of absence without pay should be made, if possible, in time to allow for adequate administrative planning. The written request must specify the purpose, plans, and length of the leave. It will be submitted to the Department Head/Program Director who forwards it to the Vice President for Academic Affairs who then confers with the Committee on Faculty and Staff Development and requests their recommendation. The Vice President for Academic Affairs will make the recommendation to the President in light of the needs and fiscal

capabilities of the College. The President will make a decision. In the event the member of the faculty wishes to extend the time of an approved leave he/she will again follow the above procedure.

While faculty are on leave without pay, they are considered full-time for benefits eligibility. The College ordinarily does not provide fringe benefits unless a contrary arrangement has been mutually agreed to in writing by the faculty member and the College. Faculty members may continue their fringe benefits, however, by paying for them through the Office of Human Resources.

2.12.7. Military Leave

In accordance with federal and state law, all part-time and full-time employees of the College who leave active employment for the purpose of being inducted, entering, determining physical fitness to enter, performing training duty, or fulfilling service commitment to the Reserves or National Guard in the Armed Forces or Coast Guard—either by enlistment, draft or recall—will be granted a non paid military leave of absence. Employees are requested to notify the College as soon as possible regarding time needed for military leave.

After receiving a discharge, the employee has 90 days to return to his/her job. Failure to return to work within the 90-day period is considered a voluntary resignation. If the employee does return to work at the College, within the 90-day time period, he/she will be considered to have been continuously employed from the original start date with the College.

Although the employee cannot be guaranteed a return to the same job position held prior to induction into the military service, the employee is guaranteed by federal law the same or similar position and any general salary adjustments granted to comparable employees during his/her absence.

2.12.8. Paid Professional Leave of Absence

Purpose

Ringling College of Art and Design is committed to the professional development of its faculty and recognizes the importance of leaves of absence as one vehicle to achieve these ends through the support of the faculty's creative and scholarly aspirations. A leave is an honor of a significant level and is intended to encourage planned research, scholarship and creative work of mutual benefit to the individual faculty member and the College.

Eligibility

A limited number of Professional Leaves of Absence are awarded on a competitive basis each year. Any regular full-time faculty member with six years continuous full-time teaching service at Ringling is eligible to submit a proposal. Such a leave will not be granted to the same person more than once every six years. Professional Leave time shall not be cumulative.

Duration of Leaves

Faculty members may request either (a) a leave for one semester at full pay or (b) a one-year leave at half pay. All other benefits and amenities, including experience and placement on the salary schedule accorded full-time faculty members, will continue through the duration of the leave.

Conditions

The following guidelines will apply to leaves: (a) a recipient of a leave is obligated to return to his/her full-time teaching appointment at Ringling College of Art and Design for a period of one year immediately following the leave; (b) recipients of leaves may receive money for approved research without prejudice to the receipt of income from the College; (c) special requests and arrangements for internal and /or external grants may be submitted in advance as part of the leave proposal for consideration to help the faculty member defray travel, research, and coincidental expenses; (d) all leaves are subject to administration authorization, the availability of funds, and are contingent upon the ability of the department to maintain instructional integrity and efficiency during the period of the proposed leave.

Procedure

a. Faculty Responsibilities

An application for a leave must contain the following:

(1) the faculty member must submit a written proposal to his/her Department Head or Program Director prior to the deadline established each year for a leave to be taken during the upcoming academic year;
(2) the faculty member's proposal must contain dates and duration of the leave, documentation of proposed professional activity to occur (i.e., planned exhibitions, publishing possibilities, presentations at professional. conferences, research, etc.) and the proposed benefit to the individual, in terms of the direct effect on one's artistic and creative development, and the proposed benefit to the College (i.e., direct effect on students, effect on colleagues and their department, enhancing the national prestige and reputation of the College, improvement of teaching effectiveness, etc.).

b. Department Head/Program Director Responsibilities.

Within two weeks after the deadline for receipt of the proposals, the Department Head or Program Director will present, on behalf of the department or program, a written recommendation to the Vice President for Academic Affairs. If more than one proposal is reviewed, the proposals should be ranked in order of merit.

c. Vice President of Academic Affairs Responsibilities.

Within 30 days after receipt of recommendations, the Vice President for Academic Affairs will make a written recommendation to the President regarding all leave requests.

d. Presidential Responsibilities

Following review of all documentation, the President will make the final decision on all requests. The faculty members who have submitted proposals for leaves will be given written notification of all decisions relative to their leave requests.

Criteria for Review

The following criteria will be used in the review of proposals:

- Merit - the ability of the proposed leave to further the professional development of the applicant and to the benefit the College.
- Presentation and Clarity of Proposal - the proposal should be clearly written and professionally presented.
- Compliance - the applicant meets the eligibility guidelines and conditions outlined in this policy.

2.12.9. Family Medical Leave Act Policy

SUMMARY

The Family and Medical Leave Act (FMLA) requires private sector employers of 50 or more employees and public agencies to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are "eligible" if they have worked for a covered employer for at least one year, and over 1,250 hours over the previous 12 months, and there are at least 50 employees within 75 miles. Similar provisions also apply to federal and congressional employees. Ringling College of Art and Design is a covered employer under the guidelines of the FMLA and will comply with the legislation as follows.

The taking of leave under this policy will not be used against an employee in any employment decision including the determination of pay increases or discipline.

EMPLOYEE ELIGIBILITY

To be eligible for FMLA leave, an employee of Ringling College of Art and Design must:

1. have worked for the College for at least 12 months (which need not be consecutive); *and*
2. have worked at least 1,250 hours during the 12 months prior to the start of FMLA leave.

LEAVE ENTITLEMENT

Ringling College of Art and Design will grant an eligible employee up to a total of 12 workweeks of unpaid leave in a 12 month period for one or more of the following reasons:

- for the birth of a son or daughter, and to care for the newborn child;
- for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
- for "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active military duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
- to care for an immediate family member (spouse, child, or parent - but not parent-in-law) with a serious health condition; and
- when the employee is unable to work because of a serious health condition (including leave under workers' compensation).

Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

MILITARY CAREGIVER LEAVE ENTITLEMENT

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. A "covered service member is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Under this section, the term "serious injury or illness", means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

DEFINITIONS

"Son or daughter" means a biological, adopted, foster child, stepchild, legal ward, or a child of a person standing in loco parentis who is:

1. under 18 years of age; or
2. 18 years of age or older and incapable of self-care because of mental or physical disability.

"Spouse" means husband or wife as recognized under state law.

"Next of Kin" means the nearest blood relative of that individual.

"Parent" means the biological parent of the employee or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter. Parents-in-law are not included in this definition.

12-Month Period Determination: Ringling College of Art and Design determines the 12-month period during which 12 workweeks of FMLA leave may be taken as a "rolling" 12-month period measured backward from the date an employee uses FMLA leave.

"Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.);
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.); or
- any period of incapacity or treatment for such incapacity due to a chronic serious health condition.

The definition of serious health condition does not include cosmetic or elective surgery.

"Health Care Provider" means:

- doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; or
- podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; or
- nurse practitioners, nurse-midwives, and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law; or
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
- any health care provider recognized by the College or the College's group health plan benefits manager.

MAINTENANCE OF BENEFITS

Ringling College of Art and Design will maintain group health coverage for an employee on FMLA leave whenever such coverage was provided before the leave was taken and on the same terms as if the employee had continued to work. Employees with dependent group health coverage must pay their share of dependent health contributions while on leave.

Other benefits for which the employee normally makes contributions will be continued by the College as long as the employee pays for these contributions while on leave. Other benefits for which the employee does not normally make contributions will be continued by the College while on leave.

Ringling College will discontinue the maintenance of health and other benefits if and when:

- the employee on FMLA leave informs the College of an intent not to return to work at the end of the leave period; or
- the employee fails to return to work when the FMLA leave entitlement is exhausted; or
- the employee's premium is more than 30 days late and the College has given the employee written notice at least 15 days in advance advising that coverage will cease if payment is not received.

JOB RESTORATION

Upon return from FMLA leave, an employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

In addition, an employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to **before** using FMLA leave.

Ringling College may refuse to reinstate certain "key" employees to their positions after using FMLA leave when restoration to employment would cause substantial and grievous economic injury to the College. A key employee is defined as a salaried "eligible" employee who is among the highest paid ten percent of employees. If an employee requesting FMLA leave is determined to be a key employee, the College will:

- notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;

- notify the employee as soon as the College decides it will deny job restoration, and explain the reasons for this decision;
- offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; **and**
- make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

NOTICE AND CERTIFICATION

Employees seeking to use FMLA leave are required to provide a 30-day advance notice to their supervisors and Human Resources of the need to take FMLA leave when the need is foreseeable and such notice is practicable. In an emergency situation, notice must be given to the employee's supervisor and Human Resources of the need for leave as soon as possible, but not later than 48 hours after the occurrence of the reason for leave.

Employees may be required to provide:

- medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member (parent, spouse, or child);
- second or third medical opinions (at the College's expense) and periodic recertification; and periodic reports during FMLA leave regarding the employee's status and intent to return to work.

INTERMITTENT AND REDUCED SCHEDULE LEAVE

Ringling College of Art and Design will allow eligible employees to take FMLA leave on an intermittent basis or to work a reduced schedule under the following circumstances with prior approval:

- when medically necessary to care for a seriously ill family member (parent, spouse, or child); or
- because of the employee's serious health condition; or
- to care for a newborn or newly placed adopted or foster care child.

Employees needing intermittent or reduced schedule leave for foreseeable medical treatment must work with their supervisors to schedule the leave so as not to unduly disrupt the College's operations. Intermittent or reduced schedule leave may be taken in increments as small as quarter hours.

SUBSTITUTION OF PAID LEAVE

Employees are required to use available paid leave to cover some or all of the FMLA leave taken. The paid leave substituted for unpaid FMLA leave qualifies and will be counted toward the employee's FMLA leave entitlement. The paid leave used will not be available later.

FAILURE TO MEET POLICY REQUIREMENTS

If you fail to meet the requirements of this Policy for Family and Medical Leave, your request for leave may be denied or delayed until the requirements are met.

If you have any questions about the operation or interpretation of this Policy, please contact the Office of Human Resources.

2.12.10 Domestic Violence Leave

In accordance with Florida law, eligible employees are entitled to leave where the employee or a family or household member has been subject to domestic violence.

EMPLOYEE ELIGIBILITY
Eligible employees are those who have worked for Ringling College of Art and Design for at least three (3) months.

FAMILY OR HOUSEHOLD MEMBER
Spouses/domestic partners, former spouses/domestic partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must currently be residing or have in the past resided together in the same single dwelling unit.

DOMESTIC VIOLENCE
Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

LEAVE ENTITLEMENT
Eligible employees may take up to three (3) working days of Domestic Violence Leave in a twelve month period. The twelve month period within which the three days of leave may be taken is a "rolling" twelve month period, measured backwards from the date an employee's Domestic Violence Leave would begin. Eligible employees may take Domestic Violence Leave for the following reasons:

- To seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- To obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;
- To obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;
- To make the employee’s home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
- To seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court-related proceedings arising from the act of domestic violence.

NOTICE AND DOCUMENTATION
Unless there is imminent danger to the employee's health or safety or to the health or safety of an employee's family or household member, the employee must provide at least three (3) business days advance notice of his or her need for leave. Sufficient documentation must also be supplied regarding the fact that the employee or a member of the employee's family or household has been subject to domestic violence.

COORDINATION WITH PAID LEAVE

Before an employee is entitled to take any Domestic Violence Leave, the employee must exhaust any available paid leave provided by the College. Any leave taken under this policy will reduce the available paid leave by the number of days utilized for Domestic Violence Leave. If the employee has no paid leave available, any Domestic Violence Leave taken will be unpaid.

COORDINATION WITH FMLA LEAVE

Leave granted under this policy will run concurrently with leave under the Family and Medical Leave Act (FMLA) if the qualifying event under this policy also qualifies under FMLA Leave.

CONFIDENTIALITY

The College will keep all information pertaining to this leave confidential to the extent required by law.

Approved by: Faculty, December 5, 2023
Approved by: Board of Trustees
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2.13 Fringe Benefits for Full-Adjunct and Part-Time Faculty

2.13.1. Mandatory Fringe Benefits

Members of the faculty are beneficiaries of the following governmental programs.

2.13.1.1. Social Security/Medicare

Social Security/Medicare is the federal program which provides retirement funding, etc. After the necessary deduction is made from your pay, the College matches your required contribution dollar for dollar.

2.13.1.2. Unemployment Benefits

Regular payments are made by the College to make employees eligible for unemployment benefits under conditions prescribed by state law. Faculty members are not eligible for unemployment benefits during the period between academic years, if appointments are not renewed.

2.13.1.3. Worker's Compensation

All Ringling employees are protected in accordance with the Worker's Compensation Law of the State of Florida. Worker's Compensation provides for work time lost, as defined by law, and for related medical expenses in the event of an injury or illness arising in the course of employment. In all cases, the cost of the coverage is paid by the College. It is the employee's responsibility to report any work-related injury or illness immediately to the immediate supervisor and to the Office of Human Resources. See Section 2.11.1., Injuries.

2.13.2. Carrier Benefits for Full-Time Faculty Only

Such carrier benefits are subject to change by the carrier. The college will discuss any changes with the Faculty Handbook Committee prior to any changes or as soon as notice is received from carrier.

2.13.2.1 Medical and Dental Coverage

A comprehensive medical and dental plan is provided by the College for all full-time employees. The plan covers a percentage of hospital, medical, and related bills (reasonable/customary) after payment of a specified deductible per year by the employee.

For further details, please refer to the plan document provided to each eligible employee and available in the Office of Human Resources and on-line.

Dependent coverage is available to those full-time faculty/staff members who agree to pay the premium via payroll deduction.

New full-time faculty will be eligible to enroll in the plan as of the first day of the month following the date of employment.

2.13.2.2 Life Insurance

Group term life insurance and accidental death and dismemberment coverage is provided for all full-time employees. This coverage provides a benefit equal to one times the employee's annual

base salary, rounded up to the next $1000, up to the maximum indicated in the Plan document. This coverage is provided at no cost to the employee.

The entire cost of the life insurance protection is provided by the College. For further details, please refer to the plan document available in the Office of Human Resources.

2.13.2.3 Long-Term Disability Insurance

All full time employees are insured for long-term disability coverage. This benefit provides you with income replacement if you become disabled.

2.13.2.4. Retirement Plan

Ringling College of Art and Design currently provides employees with an opportunity to voluntarily participate in a tax deferred annuity plan (403b) through TIAA-CREF and VALIC. Employees may enroll in the plan at any time by completing a Salary Reduction Agreement in the Office of Human Resources.

Employees may select one of two retirement program providers. Upon the completion of two years of full-time service, the College will match the employee's contribution up to 5% of compensation. Service with an eligible employer will be counted toward meeting the eligibility requirements for Employer Matching Contributions. Eligible employer is defined as any institution of higher education.

For further details, please refer to the plan document available in the Office of Human Resources.

2.13.2.5 Section 125 Flexible Benefits Plan

The Flexible Benefits Plan is designed to provide employees with a tax-deferred benefit. Benefits are paid with pre-tax dollars. Full-time employees are eligible for coverage on the first day of the month following the first day of employment.

Each employee may elect to reduce his/her compensation and to have such amounts contributed to the Plan through payroll deduction. Benefit dollars are applied to any or all of the following accounts:

Health Care Flexible Spending Account
Dependent Care Flexible Spending Account
Health Insurance Contract Conversion Account

For further details, please refer to the plan document available in the Office of Human Resources.

2.13.3. Institutional Benefits

2.13.3.1. Tuition Remission

After two years of service, full-time faculty are provided with tuition remission for members of their eligible immediate family who attend the College. Part-time faculty are eligible to participate on a pro-rata basis. (See Tuition Remission Application for guidelines)

Fees, such as the General Fee and various Lab Fees, are not waived and must be paid to the College in advance of taking the class.

Tuition Remission Policy Whenever possible, instructors shall not teach their own children or other relatives in a course for credit. When there is the potential for this to occur, the instructor shall bring it to the attention of the Department Head or Program Director in advance to discuss alternatives. In the rare instances in which such enrollment is unavoidable, such as when the instructor is teaching a

course required for the student's major, in no event shall the instructor grade the work of the related student; instead, the Vice President for Academic Affairs or area head or their designee shall evaluate the related student's work and determine any grades.

2.13.3.2. Notary Service

A notary is available in the Business Office and in the Office of Human Resources to notarize your personal documents at no cost.

Approved by: Faculty, April 29, 1996
Approved by: Board of Trustees
Effective Date: April 11, 1991

2.14 Grievance Procedure

2.14.1. Intent

Ringling College of Art and Design recognizes and endorses the importance of academic due process and of addressing grievances properly without fear of prejudice or reprisal. Accordingly, Ringling College of Art and Design encourages the informal and prompt settlement of grievances, as defined below and as limited by Section 2.0; and the orderly processes hereinafter set forth as designed to protect academic due process and academic freedom, and to respect professional conduct. Ringling College of Art and Design intends that these procedures and processes be the sole method for the resolution of all grievances.

When a grievance substantially similar to a grievance under these procedures has been filed with an outside agency, the Review Committee shall not hear the matter, unless there is evidence that such a hearing would facilitate this resolution of the grievance.

2.14.2. Definition

A grievance is defined as an allegation by a faculty member or a group of faculty members, that there has been a claimed breach, misinterpretation, misapplication, a claimed violation of College policy or procedure as set forth in the *Faculty Handbook*, or a claimed infringement of the rights of a faculty member as set forth in the *Faculty Handbook* and individual contract which relate to appointment or reappointment, dismissal, suspension, reassignment, or termination.

2.14.3. The Faculty Grievance Review Committee will serve as the Review Committee (See Section 1.5.2.2.2).

2.14.4. Grievances

The Review Committee as a whole will consider written grievances with supporting evidence from any Ringling College of Art and Design faculty member or group of faculty members. The written grievance should set forth in detail the alleged wrong insofar as possible, against whom it is directed, the relief and/ or remedy sought by the grievant; and may contain any other data which the grievant deems pertinent. Written grievances sent by registered mail must be received by the Chair of the Faculty Grievance Review Committee or the Vice President for Academic Affairs at the College's address within 21 calendar days after notice of the occurrence of the event(s) upon which the grievance is based or within 21 calendar days after the grievant knew, or through the exercise of reasonable diligence should have known, of the occurrence of the event(s) upon which the grievance is based. Grievances which are based on an event(s) which occurs within 14 calendar days before a Christmas or summer vacation, or during such vacation periods, must be filed within 21 calendar days after the first day of class of the next semester. However, upon mutual agreement of the grievant and the President, the committee can meet over the summer. Under these circumstances three members constitute a quorum. The time period for the receipt of written grievances may be extended by agreement between the Review Committee and the parties to the grievance if a written notice of intent to file a grievance is received by a member of the Review Committee within the 21-calendar-day period specified above. Such an extension usually does not exceed an additional 21 calendar days.

2.14.5. Procedure for Handling Grievances

Step I

Upon receipt of a grievance, the Review Committee will send, within three working days, a copy of the grievance to all named respondents. The Review Committee will attempt to settle the grievance by informal methods. In the course of doing this, the Review Committee will collect all pertinent documents and will conduct informal discussions with and/or between the concerned parties, at all times preserving the confidentiality of its proceedings.

If a faculty member alleges that a decision regarding non-reappointment was based on inadequate consideration, the Review Committee will determine whether the decision was the result of adequate consideration in terms of the relevant standards set forth in the *Faculty Handbook*. The Review Committee will not substitute its judgment on the merits for that of the deciding person or persons. If the Review Committee believes that adequate consideration was not given to the faculty member's qualifications, it may request reconsideration by the deciding person or persons, indicating the respects in which it believes the consideration may have been inadequate.

When a grievance is resolved by these informal methods, the resolution shall be put in writing by the Review Committee and given to the parties and the President of the College. Such resolutions shall not constitute a binding precedent in the disposition of similar grievances. No offer of settlement of a grievance by either party, nor a suggested resolution by the Review Committee, shall be admissible as evidence in formal grievance proceedings or elsewhere.

Step II (A)

If the grievant is a group of faculty members and the grievance cannot be resolved by informal methods, the Review Committee will present a recommended resolution of the grievance in writing to the President of the College within 14 calendar days after receipt of the grievance. This resolution can either be accepted by both parties or rejected by either party. Rejection or acceptance by each party will be communicated in writing within seven calendar days after receipt of the recommended to the Review Committee. The written rejection should include reasons and, if desired, suggested alternative solutions. The Review Committee shall advise each party to the grievance, within seven calendar days after receipt of the acceptance or rejection by the other party, and, when alternative resolutions are suggested, of any change in their recommended resolution. Any change in the recommended resolution of the Review Committee may be preceded by informal methods of resolution as set forth above. Any new recommended resolution by the Review Committee can either be accepted by both parties or rejected by either party, as set forth above. Following advisement by the Review Committee of the acceptance or rejection by the other party, either party can proceed to Step IV as set forth herein.

Step II (B)

If the grievant is an individual faculty member and the grievance cannot be resolved by informal methods, the Review Committee will determine if a formal grievance hearing shall be conducted. Such a hearing will be conducted when the unresolved grievance has been adjudged to involve:

1. Dismissal, for alleged adequate cause, of a faculty member during the terms of the individual contract.

2. Suspension or reassignment, for alleged adequate cause, of a faculty member during the term of the individual contract.

3. Layoff, for alleged financial exigency, enrollment emergency, prolonged mental or physical illness, or change in the educational program during the term of the individual contract.

4. Non reappointment of faculty member.
With regard to (3.) above, the validity of change(s) in the educational program cannot be the grounds for a grievance if such change(s) was (were) approved by the Committee for Academic Affairs and/or Faculty Handbook, nor can the existence of a financial exigency be the grounds for a grievance if the financial exigency was agreed to by either Committee. The grievant can allege, however, that (a.) the decision to terminate was based on considerations in violation of the governing policies bearing upon nondiscrimination with respect to race, age, sex, religion, national origin, marital status, handicap, or other factors which cannot lawfully form the basis for an employment decision; or (c.) the grievant's rights were not taken into consideration, or (d.) appropriate College and committee procedures, as set
Forth herein or in the *Faculty Handbook*, were violated.

With regard to (4.) it must be alleged that (a.) College or committee policies or procedures, as set forth herein or in the *Faculty Handbook*, were violated; or (b.) the decision in the above matters was based on considerations in violation of the faculty member's academic freedom; or (c.) the decision in the above matters was based on considerations in violation of governing policies bearing upon nondiscrimination with respect to race, sex, age, religion, national origin, marital status, handicap, or other factors which cannot lawfully form the basis for an employment decision.

When a formal grievance hearing is to be conducted, the Review Committee will notify the parties involved.

1. Written notice will be given the President of the College and all of the parties involved to the grievance that a formal grievance hearing is to take place.

2. The Review Committee will set a date, time, and place for the grievance hearing and order of proceedings (which side speaks first) that is agreeable to all parties concerned. The arrangements should be completed as soon as possible, 21 calendar days after receipt of the grievance by the Review Committee. If the Review Committee feels a transcript is needed, a court recorder should be scheduled or a tape recorder should be used.

3. The grievance hearing will begin as soon as both sides are prepared, but not more than 21 calendar days after completion of the arrangements, thus allowing all parties adequate time to prepare evidence and obtain documentary and other information. Upon agreement of both sides, an extension may be granted.

Step III

The Formal Grievance Hearing

The hearing will be conducted in private and the parties will make no public statements about the case during the course of the hearing.

During the proceedings, the grievant will be permitted to have an academic adviser and counsel of his/her own choice. The College shall have the right to have participating representatives present.

All parties to the grievance will have the right to obtain witnesses and present evidence. The College will cooperate with the Review Committee in securing witnesses and making available documentary and other evidence requested by the grievant to the extent not limited to contract or law. All parties will have the right to cross-examine witnesses. Where a witness has made a statement and cannot or will not appear, but the Review Committee determines that the interests of justice require admission of his/her statement, the committee will identify the witness, disclose his/her statement, and if possible, provide for interrogatories. The Review Committee will grant appropriate continuances to enable either party to investigate evidence, or for any other appropriate reason.

In cases involving non-reappointment, see 2.6.3.

The Review Committee is not a court of law and will not be bound by strict rules of legal evidence. A sincere effort will be made to obtain the most reliable evidence. The decision will take the form of findings of fact, conclusions, and recommended disposition of the grievance.

The findings of fact, conclusions, and the recommended disposition must be based solely on the hearings record, pertinent College procedures as set forth herein or in the Faculty Handbook, and the law of the land.
The hearing proceedings shall be recorded by the College and made available to the Committee, and a transcript shall be provided at the expense of the party(ies) requesting it.

The Review Committee will present its decision in writing within seven calendar days of the end of the hearing to both parties and the President of the College. This decision, insofar as it consists of a recommended disposition of the grievance, may be either accepted by both parties or rejected by either party. Rejection or acceptance by each party will be communicated in writing to all persons involved, within five calendar days after receipt of the decision.

Step IV (A)

Appeals on Process

Any party to the dispute concerning which the Review Committee has held hearings and rendered a decision may appeal, within 10 working days after notification of the decision, the Review Committee's findings and decision only on grounds of improperly following the procedures of this section. The party appealing shall submit a statement of appeal to the President. The President shall receive from the committee the record of their hearings which shall be the sole material of the President's review of the appeal.

Appeals on Substance

If the grievant or respondent is still not satisfied with the disposition of the grievance, the grievant may also appeal within the same 10 working days the substance of the decision to the President who, within 10 working days, will respond to the appeal in either or both cases.

Step IV (B)

President's Review of Appeals on Process

The President will review the record to determine whether or not the procedures of this Section have been properly followed and notify all parties to the grievance of the President's final decision. Should the President determine that the procedures of this Section were not properly followed, the President will remand the case to the Review Committee with specific recommendations.

President's Review of a Substantive Appeal

The President will review the record and the appeal and render the final decision and only in a conflict of interest by the President will a further Step V appeal be given to the Board of Trustees. (See Step V below).

Step V

President's Conflict of Interest

Should the President be a direct party to the grievance, the grievant may file an appeal to the Executive Committee of the Board of Trustees. Only when the President is directly involved will such a review take place. The Chair of the Board of Trustees shall be the sole judge of Presidential involvement in case of a dispute on the President's involvement. The time limits, contents of the appeal, notification of action, and review of the appeal as set forth in Step IV and subsections shall apply to the Board of Trustees' Review.

A review of the record and not a complete hearing is all that is afforded under this provision.