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PREFACE

The purpose of the *Faculty Handbook* is to define the central role of the faculty of Eastern New Mexico University in the fulfillment of the institutional mission. Included are definitions of the faculty and statements concerning faculty responsibilities, faculty rights and welfare, and faculty severance. Where procedures are appropriate, they are clearly stated.

Unless specifically noted to the contrary, the provisions in this *Handbook* apply to all faculty.

The statements of general educational principles which follow describe basic understanding which obtain in this university community as an appropriate means of assuring faculty participation in the governance of the institution. The administrative procedures outlined in this document supersede the statements of general principles referred to herein which are published in external sources. No statement contained herein shall be construed as a limitation of the plenary powers, with respect to this institution, which the Board of Regents of Eastern New Mexico University exercises under the Constitution of the State of New Mexico.

PROCEDURES FOR APPROVAL AND AMENDMENT OF THE FACULTY HANDBOOK

Proposals for change in the *Faculty Handbook* may be submitted by any university individual or group. Such proposals must be submitted to the Faculty Personnel Policy and Handbook Committee for review, selection and refinement. Proposed changes selected by the Committee shall be presented to the university faculty in a forum. The Faculty Personnel Policy and Handbook Committee, after considering the university faculty forum discussion, shall further review proposals and submit its recommendation(s) to the Faculty Senate. The Faculty Senate shall determine by a simple majority of the Senate membership, governed by the *Handbook*, which proposals it shall submit for referendum to the regular faculty, governed by the *Handbook*. Those proposals receiving a favorable majority vote in the referendum shall be forwarded by the Faculty Senate President to the University President. The University President shall submit proposals that survive the referendum to the Board of Regents with his/her recommendations. The University President may elect to submit any proposed changes that do not survive this process to the Board of Regents, provided that the Faculty Senate receives prior notice of this intent. The Faculty Senate President shall have the opportunity to present recommendations of support or nonsupport of the proposed amendments to the Board of Regents. The Board of Regents may amend this *Handbook* without necessarily going through the aforementioned process but shall provide prior notice to the Faculty Senate. Amendments approved by the Board of Regents shall become effective at the beginning of the next contract year.

This handbook contains policies approved by the Board of Regents through June 30, 2007.

PART ONE

THE FACULTY

Definitions

I. INTRODUCTION

The University faculty shall consist of all persons formally appointed by the Vice President for Academic Affairs with academic rank. Faculty appointments and privileges vary according to the nature of rights and responsibilities, term of appointment, assignment, rank, governance, and administrative role. Because of this variance, what follows is a series of definitions that exemplify the meaning and application of these terms.

II. ACADEMIC RANK

There are five academic ranks at Eastern New Mexico University. Rank is assigned at the time of appointment or, for those on continuing appointments (tenure), as the result of decisions from the faculty evaluation process. The five ranks are **Lecturer, Instructor, Assistant Professor, Associate Professor, and Professor**. Qualifications and standards for these ranks are described on pages 8 and 9 of this *Handbook*.

III. REGULAR AND RESOURCE FACULTY

It is useful to distinguish between categories of faculty that have certain rights, responsibilities and roles in representing the faculty constituency in governance. For this purpose, and for economy in referring to faculty who are tenured or who are eligible for tenure, the concepts of Regular and Resource faculty are defined.

- A. **Regular** faculty are all university faculty who are either tenured (continuous appointment) or probationary and who have appointments which are half time or more in instruction, university service, librarianship, professional service, department chairship/school directorship, or scholarship and research.
- B. **Resource** faculty are all other university faculty who do not qualify as regular faculty. In general, but not exclusively, resource faculty hold term appointments and/or assignments dominated by other than faculty functions.

IV. APPOINTMENT

There are four kinds of faculty appointments at Eastern New Mexico University: **tenured, probationary, term, and special**. Tenured and probationary appointments apply only to regular faculty; term and special appointments apply only to resource faculty. The terms and conditions of any appointment will be defined in the *Letter of Appointment* issued by the Vice President for Academic Affairs to the appointee. The four kinds of appointments are described below.

A. Regular Faculty

1. Tenure Appointment

A tenure appointment provides for continuous employment for fall and spring terms (or otherwise, if so stated) from the date of appointment until the year of retirement. Tenured faculty are accorded the rights of academic freedom and due process. Following first notification of a tenured appointment, except in circumstances of change of status (promotion, leaves, etc.), faculty on tenure (continuous) appointments will receive annual letters of intent which will establish salary and assignment.

2. Probationary Appointment

A probationary appointment may be made for a full-time or part-time faculty member eligible for tenure for a period established in the *Letter of Appointment* from the Vice President for Academic Affairs. Previous experience to be credited to the probationary period must be agreed upon and communicated in writing when the university issues its initial letter of probationary appointment. This appointment is subject to renewal. Probationary appointees will be given the following notice of non-reappointment, if applicable, as follows:

- a. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- b. Not later than December 15 of the second academic year of service if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- c. At least twelve months before the expiration of an appointment after two or more years in the institution.

B. Resource Faculty

1. Term Appointment

A term appointment may be made for a full-time or part-time non-tenure track faculty member. This appointment is for a specific period of time and provides no guarantee of reappointment. Faculty on term appointments are not entitled to any of the benefits of tenured or probationary faculty unless otherwise provided in the *Faculty Handbook*.

2. Special Appointment

A special appointment is one made to assign academic rank to a person who has, or is, contributing to the teaching, university service, professional service, or research functions of the academic mission of the university but may not be currently a compensated faculty employee of the institution. Special appointments are not entitled to any of the benefits of regular faculty except as otherwise provided in the *Faculty Handbook*. The terms and conditions will be described in the *Letter of Appointment* from the University. There are

two kinds of special appointments that are likely to occur most often, although others may be designated:

- a. **Emeritus:** A distinguished and honorary appointment given a tenured member of the faculty at the time of retirement based on a recommendation from appropriate faculty and academic administration.
- b. **Adjunct:** An appointment given to a person of substantial professional caliber and achievement who is recommended by the appropriate faculty and by the academic administrators for formal association with an academic program. Retired faculty who receive an adjunct appointment shall be assigned the same academic rank as they held at the time of their retirement.

V. ASSIGNMENT

Faculty assignments vary in time, work load, and function. This variation affects not only the appointee's employment rights and responsibilities but also the appointee's role in faculty or administrative governance.

A. Faculty Functions

Faculty members may perform functions in the following four areas: **instruction; university service; professional service; and scholarship and research.***

B. Term and Time of Assignment

Faculty appointments vary according to the part of the fiscal year for which the appointee is assigned. The typical units are: **the fiscal year, the academic year** (contiguous fall and spring semesters), **a semester, the summer semester, and interim period, or others as defined.**

Assignments may also vary according to whether the individual is assigned to a full-time or part-time effort within a given term of employment.

C. Visiting Assignment

On occasion, persons who already hold academic rank at another institution of higher education will be appointed to the university faculty. After consultation with the appropriate faculty and academic administrators, the Vice President for Academic Affairs may appoint these individuals to the Eastern New Mexico University faculty with the designation of "visiting" professor.

D. Research Assignment

On occasion, persons will be appointed to faculty rank whose assignment is primarily to augment the research, professional service and/or research mission of the institution. After consultation with the appropriate faculty and academic administrators, the Vice President for Academic Affairs may appoint these individuals to the Eastern New Mexico University faculty with the designation of "research" professor at the appropriate academic rank.

E. Honorary Assignment

On occasion, persons who have distinguished themselves in faculty functions will be given an academic rank and title to acknowledge their accomplishments. After consultation with the

*The term scholarship and research or scholarly activity shall include artistic and creative endeavors, when appropriate.

appropriate faculty and academic administrators, the Vice President for Academic Affairs may appoint these individuals to the Eastern New Mexico University faculty with the designation of "Distinguished Research Professor."

F. Administrative Assignment

Administrators with more than half-time administrative assignment and who hold academic rank are, by definition, resource faculty. Academic administration shall include, but not be limited to, the President of the University, the Vice President for Academic Affairs, the Dean of the Graduate School, the Dean of Research, the Director of University Outreach, the Director of Golden Library, the deans of the colleges, and associates and assistants of the aforementioned administrators.

VI. RIGHTS AND PRIVILEGES

All university faculty are protected by the University's adherence to the 1949 *Statement of Academic Freedom and Tenure of the American Association of University Professors* (AAUP). All university faculty also acknowledge the responsibility to accept the constraints of professional ethics as outlined in that statement, the parallel *Statement of Professional Ethics of the AAUP*, dated 1966, and *AAUP Statement of Freedom and Responsibility* dated 1970.

University faculty derive rights and privileges in accordance with the provisions of this *Handbook*, the university governance document, and the constitution and bylaws of the Faculty Senate. In situations where the rights and privileges of regular faculty are not specifically addressed by this *Handbook*, the situation should be interpreted and resolved in the light of the intent of the *Faculty Handbook* and not according to regulations detailed in either the *Professional Handbook* or the *Support Staff Handbook*.

Faculty on term or special appointment are not eligible for tenure or sabbatical leave, nor are they entitled to early notice for reappointment or nonrenewal, nor for service in the Faculty Senate on standing or special committees, nor may they vote in the election of senators or standing or special committee members, nor in any other election conducted under the auspices of the Faculty Senate election committee. These faculty may participate in college and school/department elections, however, if this participation is approved by majority vote of the regular faculty in said college and school/department.

Faculty members whose primary responsibility is coaching, as stated in their contracts or letters of employment, are not eligible for tenure.

Emeriti faculty are accorded certain privileges as defined in this *Handbook* by virtue of their retirement and emeritus status and by negotiation with the university administration.

PART TWO

FACULTY FUNCTIONS AND RESPONSIBILITIES

General Statement

The Board of Regents of Eastern New Mexico University has adopted a policy on governance which subscribes to the principles outlined in the 1966 *Statement on Government of Colleges and Universities*, jointly formulated by the American Association of University Professors, the Association of American Colleges, and the Association of Governing Boards of Universities and Colleges. The following procedures shall be observed:

I. FACULTY PARTICIPATION IN UNIVERSITY GOVERNANCE

The Faculty Senate is the primary vehicle for faculty participation in university governance. It is elected in accordance with its own constitution as approved by the Board of Regents. Other means of faculty participation in governance include membership of faculty as either elected or appointed representatives on university standing committees and other consultative groups.

II. FACULTY PARTICIPATION IN BUDGETARY MATTERS

Eastern New Mexico University subscribes to the principles outlined in the 1972 statement of the AAUP entitled *The Role of the Faculty in Budgetary and Salary Matters*, which essentially establishes two requirements:

- * There shall be clearly understood channels of communication and the accessibility of important information to those groups which have a legitimate interest in it.
- * There shall be participation by each group (governing board, president, and faculty) appropriate to the particular expertise of each. Thus, the Board of Regents is expected to husband the endowment and obtain capital and operating funds; the President is expected to maintain existing institutional resources and create new ones; the faculty is expected to recommend faculty salary policies and, in its primary responsibility for the educational function of the institution, to participate also in broader budgetary matters primarily as these impinge on that function. All three groups, the *Statement on Governance* states clearly, should participate in long-range planning.
- * Faculty involvement in budgetary matters primarily manifests itself through participation in the University Budget Committee, the structure and responsibilities of which are outlined in the university governance document. In addition, the President of the Faculty Senate (or designee) is invited to attend meetings of the Commission on Higher Education and the Legislative Finance Committee.

III. FACULTY PARTICIPATION IN THE SELECTION & EVALUATION OF ADMINISTRATORS

Eastern New Mexico University subscribes to the principles outlined in the 1974 *Statement of Faculty Participation in the Selection and Retention of Administrators* of the AAUP, which are outlined below:

- A.** *Ad hoc* committees for the selection of administrators are established by the Board of Regents (when a vacancy is in the office of the President) or by the appropriate administrative offices under the guidelines of the Board.

B. Faculty participation in the evaluation (and retention) of academic administrators is accomplished through their representation on a committee for the evaluation of administrators, which is broadly representative of the several university constituencies. The committee, which shall be reconstituted each academic year not later than October 1, is composed of:

- * the President of the Faculty Senate or his/her appointee from the Senate.
- * four faculty, one from each college, elected by the Senate.
- * a faculty representative from each branch campus, elected by the respective branch campus faculties.
- * the President of the Professional Employees Senate or his/her appointee from the Senate.
- * the President of the Student Government or his/her appointee.
- * two students elected by the Student Senate.

IV. FACULTY SELECTION AND EVALUATION

The primary responsibility for faculty selection and evaluation rests with the faculty. Evaluation encompasses not only teaching and related functions such as advising and service on school/department, college and university committees, but also scholarly and professional activities and academic preparation. Recommendations for appointment, retention, promotion, leaves, and tenure originate with the faculty and will be based on these evaluations. Regular faculty members seeking a change of status (probationary retention, promotion, tenure, leave) shall be responsible to initiate such a change through their own active role in applying for the change of status, following appropriate procedures and preparing and submitting materials and/or a review file. In order to be retained/rehired for the next contract year, resource faculty who have an academic year or multi-year contract that includes at least a .5 fte teaching load are also subject to the following procedures.

The evaluation process entails a number of steps or levels: Faculty Evaluation Committee (FEC), Chair, College Dean, and the Vice President for Academic Affairs (VPAA). These steps are operative as follows:

The evaluation steps for resource faculty members other than academic administrators shall stop at the level of college dean.

For faculty members who are in their first, second, and fourth years of probationary contract, the evaluation shall stop at the level of College Dean.

For faculty members who are in other years of their probationary contract or who are applying for tenure and/or promotion, the process shall proceed through the VPAA.

For each evaluation, a faculty member may appeal an adverse decision to the next level, including the President and thence Board of Regents.

Final authority for all matters relating to faculty status is delegated to the President by the Board of Regents, subject to the Board's review.

A. Procedures for Faculty Evaluation

1. At the beginning of each fall semester the Office of Academic Affairs shall publish a calendar establishing the dates for each step of the faculty evaluation process. There shall be two schedules. The schedule for faculty who are in their first year of employment at Eastern New Mexico University shall commence with the gathering of information during fall semester and will continue with step 7 following, after the beginning of spring semester. The schedule for all other faculty shall begin with fall semester. Written responses may necessarily modify the schedule for any faculty member. The evaluation steps for resource faculty members (those with term contracts) shall stop at the level of the college dean (step 9).

2. Each fall semester, the faculty in each school/department shall elect a Faculty Evaluation Committee (FEC) of not fewer than three nor more than five faculty excluding the unit head. Whenever possible, a majority of the FEC shall hold tenure. A unit may, but is not required to, combine with other units; any such merger must be approved by a majority of the faculty in each affected unit. To form its FEC, a unit may elect one or more faculty members from other units.
3. The FEC and the respective unit head(s) shall propose for all faculty with instructional assignments appropriate FEC peer and student evaluation procedures for the subsequent year. FECs shall also identify appropriate teaching, scholarship, creative activities, and service for their disciplines as well as expectations for tenure and promotion. The proposal must be ratified by the faculty members of the unit. After approval by the faculty, these guidelines should be forwarded by the Chair to the Dean, and VPAA. In addition to FEC peer evaluations, other evaluations may include those from faculty on campus and/or professional colleagues off campus. Peer evaluations must be signed by their author. The FEC shall communicate these procedures in writing to the faculty of the unit and to the dean of the college.
4. A probationary faculty member must be appraised annually and must submit a current resume and summaries of student and peer evaluations. A faculty member applying for promotion and/or tenure shall submit a review file documenting sustained professional development, including a current resume, self-evaluation and supportive materials, to the FEC. Supportive materials should include pertinent descriptions and examples of teaching materials, scholarly/artistic productivity and professional service.
5. Resource faculty with at least a .5 fte teaching load on multiyear contracts will be required to submit a review file to their respective Faculty Evaluation Committee each year of their initial contract. After this period, they will be required to submit a file only during the year in which the contract is under consideration for renewal (submitting the file during the year prior to contract renewal), unless otherwise specified in their faculty contract or as required by their departmental/college guidelines.
6. At any step in the evaluation process, upon receiving written notification of a recommendation, a candidate may submit a written response to provide comment or information. This response shall be submitted to the evaluator within five working days. In the case of such written response, the evaluator (within five working days) shall acknowledge receipt and shall notify the candidate how the response affected the recommendation. The evaluation calendar for candidates electing to make responses shall be adjusted to absorb the five day allowance as required to meet individual circumstances.
7. Each evaluator shall review the resume, summaries of student and peer evaluations, responses, insertions and other supportive materials. Evaluators shall also review the quality and significance of scholarship and/or creative activity, the importance and value of service to the university, profession, and/or community, and shall prepare for each candidate an appraisal of the candidate's progress or success in meeting or achieving the University's standards for retention, promotion, or tenure.
8. The FEC shall then review the resume, summaries of student and peer evaluations and other supportive materials and, for each candidate, shall present the unit head with a written recommendation and rationale. The FEC Chair shall provide the candidate with a copy of the recommendation and rationale at the time the recommendation and supporting materials are forwarded to the unit head.

9. The unit head shall review the FEC recommendation and rationale and the supporting materials, and shall present the college dean with a written recommendation and rationale. The unit head shall provide the candidate with a copy of the recommendation and rationale at the time the recommendation is forwarded to the college dean.
10. The college dean shall review all recommendations and supportive materials to determine whether standards and procedures have been applied equitably among the schools and departments and to present a written recommendation and rationale to the VPAA. The college dean shall provide the candidate with a copy of the recommendation and rationale at the time the recommendation is forwarded to the VPAA. This ends the evaluation sequence for resource and P-1, P-2, and P-4 faculty—if there is no appeal and if no tenure or promotion request has been made.
11. If the candidate is a P-3, P5, or P-6, is requesting tenure, and/or is requesting promotion, the Vice President for Academic Affairs shall review all recommendations and supporting materials. If a tenure or promotion decision is involved, the VPAA shall present a written recommendation and rationale to the President. The VPAA shall provide the candidate with a copy of the recommendation and rationale at the time the recommendation is forwarded to the President. If no tenure or promotion is involved, the VPAA shall present his/her decision to the candidate. In either instance, the VPAA shall provide copies to those involved in steps 7 through 9.
12. If the candidate is seeking tenure and/or promotion, the President shall review all recommendations and supportive materials, shall make a decision and, within five working days, shall advise the candidate and those involved in steps 7 through 10 of his/her decision. The candidate may submit a written response within five working days. In the case of such response, the President, within five working days, shall acknowledge receipt and shall notify the candidate of how the response affected the decision. If the candidate requests, the President shall provide, in writing, reasons for his/her decision.
13. The President shall submit his/her final decision to the Board of Regents no later than its regular meeting which coincides with spring commencement.
14. The candidate may request a hearing before the Board of Regents to appeal the final Presidential decision. Within five working days following notification of the President's decision, the candidate shall notify the President that he/she desires a hearing. The Board of Regents shall schedule the meeting at its convenience but no later than the Board of Regents' regular meeting which coincides with spring commencement.

B. Standards for Appointment, Promotion, and Tenure

Promotion in rank is an earned achievement and is an indication of the institution's confidence in the individual faculty member. As such, promotion is a significant procedure. It is not an entitlement. Promotion indicates that the faculty member has continued to grow and develop professionally. In no way should minimum years in rank be considered the only prerequisite for promotion.

While guidelines are desirable and helpful in most circumstances, they should not be construed so rigidly as to prevent consideration of exceptional and unusual circumstances. Such instances should be clearly identified as exceptional and should be explained in detail on an *ad hoc* basis. Specific standards are as follows:

1. Academic Faculty

a. The Rank of Professor

Persons appointed at or promoted to this rank, the highest rank which the university confers, shall hold an earned doctorate or other appropriate terminal degree in the field, shall have demonstrated excellence in teaching, evidence of scholarly productivity, academic responsibility,* and professional growth and development. They shall have served a minimum of ten years in higher education and shall have served in rank as an associate professor for at least four years.

b. The Rank of Associate Professor

Persons appointed at or promoted to this rank, a senior rank in the university faculty, shall hold an earned doctorate or other appropriate terminal degree in the field, shall have demonstrated excellence in teaching, evidence of some scholarly or research activity, appropriate professional involvement, and academic responsibility.* They shall have served a minimum of seven years in higher education and shall have served in rank as an assistant professor for at least four years.

c. The Rank of Assistant Professor

Persons who hold the doctorate are eligible for appointment at the rank of assistant professor without regard to experience. Those who complete the degree while on the staff are eligible for promotion to the rank of assistant professor without regard to experience. For those who do not hold the doctorate or appropriate terminal degree, appointment at or promotions to the rank of assistant professor should be based on a minimum of four years of experience in higher education and evidence of significant progress toward the completion of a doctoral program (significant progress being defined, ordinarily, as completion of all course and language proficiency requirements and the passing of preliminary or comprehensive examinations). Consideration for promotion shall also require evidence of excellence in teaching and a demonstrated commitment to scholarship and professional activity.

d. The Rank of Instructor

This rank is the beginning level in college and university teaching and as such, has minimal requirements as far as academic preparation is concerned, i.e., the completion of the master's degree. There is no experience requirement.

e. The Rank of Lecturer

This rank is a respected faculty rank reserved for those resource faculty appointed on a term contract for a primarily instructional, temporary, and usually, part-time assignment. Faculty holding the rank of lecturer are often adjunct faculty or others invited to teach particular courses on an occasional and possibly even repetitive basis. They are not assigned the full, normal range of faculty responsibilities (university service, professional service, scholarly/creative productivity) and have no right to reappointment. Retired faculty who receive an adjunct appointment shall be assigned the same academic rank as they held at the time of their retirement.

* Academic responsibility is defined as evidence of willingness to accept and perform satisfactorily such normal faculty assignments as service on department or school, college, and university committees, as well as the regular instructional and advising assignments.

Persons appointed at this rank will vary in minimal academic qualifications but generally shall have the doctorate or equivalent terminal degree to teach at the upper division or graduate level, will have the master's degree to teach at the upper division level, and will have a baccalaureate degree to teach at the lower division level. Exceptions to these requirements may be made by the Vice President for Academic Affairs upon presentation of evidence of a record of experience or other credentials that indicate academic degree equivalence.

2. Tenure

Persons not previously tenured are eligible to be considered for tenure after a probationary period not to exceed seven years. Normally, a minimum of four years of probationary service will be required. Persons who previously held tenure in this or another institution, however, may be granted tenure in a period of less than four years. Persons holding tenure in the faculty who have an administrative assignment or who acquire tenure in the faculty while holding an administrative assignment will retain their rank with tenure in the faculty. Such persons may return to a teaching position in accordance with the individual agreement which was reached at the time the administrative appointment was accepted, without loss of tenure or rank. Tenure for instructors in vocational programs shall be coterminous with the existence of the program.

3. Notice of Nonreappointment

Eastern New Mexico University subscribes to the statement on *The Standards for Notice of Nonreappointment* of the AAUP. Notice of nonreappointment or of intention not to recommend reappointment to the Board of Regents will be given in writing by the President in accordance with the following standards. ***Note:** Only severe financial exigency will justify departure from these notification deadlines. (See page 27)

- a. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- b. Not later than December 15 of the second academic year of service if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- c. At least twelve months before the expiration of an appointment after two or more years in the institution.

V. PERIODIC REVIEW OF TENURED FACULTY

Given the dynamic nature of the various fields of knowledge, practitioners of academic disciplines are challenged to keep abreast with changes and developments within their area of expertise. Eastern New Mexico University envisions the Periodic Review of Tenured Faculty as means of supporting faculty in enhancing their skills and expertise by providing opportunities for professional growth and development. To this end, the performance of tenured faculty shall be reviewed in the fifth year after the award of tenure and in five year cycles thereafter. The areas reviewed shall be a faculty member's teaching, research and scholarly activity, and contributions by the faculty member in the area of public service to the institution and the community. As a desired outcome, the Periodic Review of Tenured Faculty shall identify areas of faculty development needed or desired for fulfillment of professional goals and roles within both their discipline and the university.

In addition to this aim of professional growth and development, the Periodic Review of Tenured Faculty is

designed to support Eastern New Mexico University's primary mission as a teaching institution. Serving the needs of students, the university acknowledges an obligation to ensure the quality of its instruction.

The requirement of periodic review of tenured faculty shall be satisfied with the existence of annual performance/merit review, provided the faculty member's performance is considered to be satisfactory. However, should the faculty member whose performance is considered as unsatisfactory in two consecutive years be recommended for post-tenure review, the procedures herein outlined shall be implemented. The process shall honor the principles of academic freedom and respect the rights and obligations of tenured faculty as set forth by the AAUP.

A. Procedure

1. In the fourth year following the award of tenure or in the fourth year following a "regular" faculty member's last evaluation, he or she shall be notified by the dean of the college that during the next academic year, a review will be conducted of the faculty member's performance in the areas of teaching, scholarship, and service.
2. At the beginning of each fall semester, the Office of Academic Affairs shall publish a calendar establishing the dates for each step of the tenured faculty review process. The schedule shall provide that the process commence with the start of the spring semester.

With each step of the review process, the faculty member shall be provided in writing with a copy of the reviewer's analysis, recommendation, and rationale for the recommendation. The faculty member, if he or she chooses, shall then have five working days to submit a written response. Individuals or committees conducting the review shall, within five working days, acknowledge receipt and notify the faculty member of how the response affected their determination. Analyses, recommendations and rationales along with review files shall be forwarded to the next step of the review process upon completion of the response period. Adjustments to the review calendar shall be made on an ad hoc basis to accommodate responses.

3. Early in the fall semester, each college shall establish a College Faculty Review Committee (CFRC). This committee shall be composed of five tenured faculty members, four of whom are selected through a college-wide election as standing members of the committee. This college-wide election shall be conducted by the Faculty Senate Elections Committee. A fifth tenured faculty member shall be elected from and by the unit of the faculty member being reviewed. Should there be no tenured faculty members within that unit, the faculty of the unit shall elect tenured faculty member of a related discipline. When possible, no more than two faculty members from the same unit may serve on this committee. Tenured faculty members under review shall be ineligible to serve on this committee in the year of their review.
4. In conformity to faculty evaluation procedures described in section IV. A. 3, the criteria used in the review shall be based upon the peer and student evaluation procedures proposed by the faculty member's FEC and approved by his or her unit and college. These guidelines shall be applicable in the year subsequent to their adoption. As a part of these evaluation procedures, each unit shall establish procedures for the peer evaluation of teaching. Peer evaluations must be signed by their author.
5. Each year, the CFRC, with support of the unit heads, shall be responsible for overseeing student and peer reviews of teaching for all tenured faculty of the college. Records of all student and peer evaluations shall be gathered by the chair. The CFRC and faculty member shall be provided with copies of all records and information gathered.

6. In the year the tenured faculty is scheduled for review, he or she shall prepare a review file. This file shall contain a reflective statement by the faculty member describing his or her teaching, research/scholarly activity, and service, along with the yearly record of student and peer reviews. In addition, the file should contain a current vita, portfolios of exhibits on the teaching/learning experience, scholarship, service, and other relevant supporting material.
7. The faculty member shall first submit his or her review file to the unit head. Based on the review file and the student and peer review of the faculty member's teaching, the unit head shall provide an analysis (without recommendation) of the faculty member's performance in the areas of teaching, research/scholarship, and service according to FEC guidelines.
8. Reviewing the available materials, the CFRC shall appraise the faculty member's performance in the areas of teaching, research/scholarship, and service. To recommend that the faculty member be placed on probation, the determination of unsatisfactory teaching performance must be made. In determining unsatisfactory teaching performance, a continual neglect of teaching responsibilities or evidence of persistent poor teaching evaluations during the period since the last review must be clearly demonstrated. It is the responsibility of the CFRC, as well as other reviewers, to establish a clear pattern of poor performance. The CFRC shall have the opportunity to solicit additional information as needed. Any additional information obtained will be shared with the faculty member.
9. The college dean shall review the recommendations and supporting materials. The dean shall make an appraisal of the faculty member's teaching, research/scholarly activity, and service, and provide a recommendation with the rationale based on the faculty member's teaching.
10. Should reviews of the faculty member's teaching from both the CFRC and the dean be satisfactory, the tenure review process is complete. The dean shall, in writing, forward its recommendation and rationale, along with those of the CFRC, through the VPAA to the President.
11. Should the CFRC and/or dean recommend that the faculty member, as a consequence of unsatisfactory teaching, be placed on probation, the recommendation and rationale along with the faculty member's review file shall be forwarded to the University Faculty Review Committee (UFRC). The UFRC shall be formed of five tenured faculty members, one elected by and from each of the colleges and one elected from the faculty at-large. The at-large position shall serve as chair of this committee. Only tenured faculty shall be eligible to vote. Faculty members serving on the UFRC may not be members of a CFRC. Election of the UFRC, to be conducted by the Faculty Senate Elections Committee, shall precede that of the CFRCs.
12. The UFRC shall review the analysis of the unit head as well as the recommendations and rationale of the CFRC and the dean to determine whether the evidence clearly supports the probationary recommendation and whether equity has been applied among the colleges and schools of the university. In considering the question of equity, the UFRC shall have access to the files of other tenured faculty reviews conducted during the year.
13. Should the UFRC determine the faculty member's teaching to be satisfactory, the tenure review process is complete. The UFRC shall, in writing, forward its recommendation and rationale, along with those of the CFRC and dean, through the VPAA to the President.
14. Should the UFRC recommend probation, the faculty member may direct an appeal to the VPAA, and subsequently, if the recommendation is unfavorable, to the President.

15. A faculty member who has been recommended for probation shall receive official notification of the same from the President of the university. The university, under the supervision of the dean and unit head, shall offer the faculty member opportunity to meet with the unit head, dean, and representatives of the CFRC and UFRC to develop a probationary period plan to address the teaching deficiencies. Such a plan should 1) specify areas of needed improvement, and 2) identify supporting programs, personnel, and resources.
16. The probationary period shall last for two years. During the first year, the unit head and dean shall conduct interim reviews and progress reports.
17. A reevaluation shall be conducted during the second semester of the second year. This reevaluation shall focus exclusively on teaching and shall follow the procedures and steps previously set forth with the following adjustment: Should the UFRC, following completion of the response process, recommend loss of tenure, the recommendation shall be forwarded to the President of the university. Upon receipt of this recommendation, the president shall proceed to initiate procedures described in Part Four, section II of the Faculty Handbook.

Approved by Board of Regents 12/8/95

VI. ACADEMIC DISHONESTY

Academic dishonesty is unacceptable conduct in the university community. The faculty are expected to advise students that cheating and plagiarism can incur a range of penalties, including failure in the class in which the offense is committed. Students should be advised that each college has devised its own appeals procedure with respect to grading practices and academic dishonesty and that information about those procedures can be obtained from the office of the respective college dean.

PART THREE

FACULTY RIGHTS AND WELFARE

I. PRIVACY, DISCLOSURE AND ACCESS TO FACULTY PERSONNEL INFORMATION

A personnel file shall be maintained for each faculty member in the University Personnel Office. Personnel files may also be maintained in the offices of school directors/department chairmen, college deans, and the Vice President for Academic Affairs. Personnel files shall contain only materials relating to professional qualification and assignment, professional performance, and employment status.

A faculty member, upon request, shall be permitted to examine his/her personnel files during normal business hours in the presence of a representative of the administrator responsible for the files. The faculty member may be accompanied by a representative of his/her choice. Documents to which a faculty member has waived the right of access shall not be made available.

A faculty member shall have the right to submit written additions or responses to the material contained in his/her personnel files, and upon request shall be given a copy of any material contained therein to which access has not been waived at his/her expense.

II. COMPLAINTS AND GRIEVANCES

A complaint is a claim by a member of the university of improper, unfair, arbitrary, or discriminatory treatment. Complaints shall be processed through the procedures set forth herein.

A. Procedures for Complaints Arising Within an Academic School/Department

- 1.** Individuals or groups within a school/department must first attempt to resolve their complaints informally with the person(s) involved.
- 2.** Should there be no resolution, the complaint may be referred to the Faculty Evaluation Committee (FEC). Any person directly involved in the complaint shall be disqualified from service on the committee.
 - a.** The individual shall file a complaint, in writing, submitting it to the FEC, specifying in detail the nature of the complaint and the remedies sought up to that time.
 - b.** The committee shall notify, in writing, the person complained against of the specific complaint. The committee shall allow five working days for a written response.
 - c.** Should either party desire a hearing, the committee shall grant such a hearing based on the written complaint. Either party may have representation and witnesses and may present all necessary evidence.
 - d.** The committee, having heard the case, shall, within five working days, issue a written decision, stating explicitly the reasons for that decision.
 - e.** The decision shall be reported to the school director/department chairman and all parties concerned.

3. Action on complaints within the school/department does not preclude subsequent appeal according to the procedures outlined for complaints affecting persons outside the school/department.

B. Procedures for Complaints Affecting Persons Outside the School/Department

1. A complainant in the academic community must first attempt to resolve his/her complaint with the person(s) involved.
2. Should there be no resolution, a committee of three people (who shall be university employees) shall be formed by the Executive Committee of the Faculty Senate to hear the complaint. Each party shall choose a representative, and these representatives shall select a third person to serve as chairman.
3. The committee of three shall propose a resolution to the complaint. The decision of this committee shall be final.

C. Grievances: Definitions and Procedures

A grievance is an allegation by a faculty member that there has been a violation or improper application of the terms and conditions of the *Faculty Handbook*. A grievance can also be an allegation regarding improper, arbitrary, or discriminatory application of Eastern New Mexico University's policies and practices relating to terms and conditions of employment as stated in a contract.

1. Informal Grievance Resolution

Faculty members shall attempt to work out grievances before resorting to formal procedures. If it is not possible to resolve a grievance informally, a formal grievance may be filed.

2. Formal Grievance Procedures

- a. A faculty member shall prepare a written statement of the facts concerning the grievance. The statement shall specify:
 - (1) those provisions of the *Faculty Handbook* or other policies alleged to have been violated;
 - (2) the relief requested;
 - (3) the informal procedures that have been utilized in previous attempts to resolve the grievance.
- b. The written grievance shall then be submitted to a Faculty Grievance Committee which shall consist of three faculty representatives on the Human Dignity Committee (a university standing committee). The Faculty Grievance Committee shall attempt to resolve the grievance through mediation and shall recommend action to this end.
- c. In the event that mediation fails, the faculty member may file the statement of grievance with the dean of his/her college within 30 calendar days after receipt of the Faculty Grievance Committee's recommendation. The dean shall hold a grievance meeting within two working days of the receipt of the statement of

grievance. The meeting shall include the dean, all parties to the grievance and, if desired, a representative of each party chosen from the faculty or administration.

- (1) A summary of this meeting shall be kept by the dean, to which the aggrieved may respond in writing.
- (2) The dean shall make a decision on the grievance within ten working days after the meeting.

d. The aggrieved may appeal the dean's decision. This appeal shall state in writing the reason(s) why the dean's decision does not resolve the grievance.

- (1) The aggrieved's appeal shall be filed with the Vice President for Academic Affairs within ten working days after receipt of the dean's decision.
- (2) The Vice President for Academic Affairs shall hold a grievance meeting within ten working days after receipt of the appeal. The meeting shall include the Vice President for Academic Affairs, all parties to the grievance and, if desired, a representative of each party chosen from the faculty or administration.
- (3) The Vice President for Academic Affairs shall review all material pertaining to the grievance and shall issue a written decision to the aggrieved within ten working days after the close of the meeting.

e. If the aggrieved finds that the decision of the Vice President for Academic Affairs does not resolve the grievance, the aggrieved may file an appeal with the President within ten working days of receipt of the decision of the Vice President for Academic Affairs. The President will consult with the Faculty Grievance Committee before reaching a decision concerning the grievance. The decision of the President shall be final, subject to review by the Board of Regents.

III. AFFIRMATIVE ACTION POLICY

The purpose of all policies at Eastern New Mexico University is to maintain the institution as a university of the highest quality. The affirmative action policy described here is intended to uphold the purpose by providing equal employment opportunity for all applicants and to comply with the Executive Order 11246. The affirmative action plan is also intended to increase the number and improve the relative position of minority group members and women at all employment levels of the institution.

Avoidance of discrimination does not by itself bring about change in the composition of the faculty or staff. Consequently, to achieve changes in personnel composition requires affirmative action. Hiring decisions that are made from an applicant pool that does not include minorities and women could be considered discriminatory and, therefore, positive recruiting efforts to locate and seek applicants from appropriately qualified minorities is basic to nondiscrimination. Careful review of stated qualifications is also an integral part of positive recruiting efforts. Too often, attention to applicants' qualifications has resulted in a rigid reliance on degrees and experience that can lead to improper exclusion of members of minority groups and women who could assume the responsibilities of the position. The administration believes that these procedures will make Eastern New Mexico University an affirmative action employer in the best sense of that phrase and that their results will be reflected in the employee composition of the institution.

The President is ultimately responsible for the implementation of Eastern New Mexico University's affirmative action plan, and has delegated authority to the Affirmative Action Officer to assure compliance.

Responsibility for determining appropriate numerical goals has been delegated to the vice presidents, deans, department chairmen, school directors, and unit supervisors. The affirmative action officer provides for coordination between faculty and support service programs and serves as official liaison officer with outside compliance agencies. In addition, all programs are monitored to assure that the affirmative action plan policies are carried out.

It is the University's desire and hope that the affirmative action plan will soon become an integral part of management and that special emphasis will no longer be needed. Until this becomes a reality, each member of management has been advised that failure to adhere to Eastern New Mexico University's equal employment opportunity policies will result in disciplinary action.

The following summary statement of the University's personnel policies is posted throughout the campus as well as included in personnel handbooks.

STATEMENT OF PERSONNEL POLICY

It is the policy of Eastern New Mexico University to:

1. Recruit, hire, and promote for all job classifications without regard to race, creed, color, national origin, sex, handicap or age, except where sex or age is a *bona fide* occupational qualification.
2. Base decisions on employment solely upon the individual's qualifications for the position being filled.
3. Make promotion decisions only on the individual's qualifications as related to the requirements for the position for which he/she is being considered.
4. Ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company-sponsored training, education, tuition assistance, and social and recreational programs will be administered without regard to religion, race, creed, color, national origin, sex, handicap or age, except where sex or age is a *bona fide* occupational qualification.
5. Restrict employees from initiating or participating in institutional decisions involving a direct benefit (initial appointment, retention, promotion, salary, leave of absence, etc.) to members of their immediate families.

Ad hoc committees have been used to review compensation, recruit applicants for vacant positions, review applications for recommendation to the administration and devise an instrument for job classification review. Special *ad hoc* committees will be utilized to deal with specific situations as needed.

IV. DRUG-FREE WORKPLACE POLICY

Approvals: President's Council 5/12/89

Definitions: Eastern New Mexico University, hereafter referred to as, "the University," means the University as it is administered through each of its campuses, its off-campus centers and its associated activities.

Employee is any person hired by Eastern New Mexico University to work for wages or salary, including student employees.

Director of Personnel will mean the Director of Personnel of Eastern New Mexico University or his or her authorized representative. For the Roswell campus of the University, that authorized representative is the Dean of Administrative Services or his or her authorized representative.

Policy: The Board of Regents of Eastern New Mexico University adopts this policy to implement the Drug-Free Workplace Act of 1988, Pub. L. 100-690, 102 STAT. 4304 (1988) and the regulations promulgated pursuant thereto, 54 Fed. Reg. 4945 (1989).

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the premises of Eastern New Mexico University, including but not limited to its campuses, grounds, facilities, vehicles, or at any activity held on University premises. If any employee of the University violates this policy, that individual will be immediately referred to the Director of Personnel.

Responsibility: The President of the University is responsible for the administration of the Drug-Free Workplace Policy and Program. The Director of Personnel is designated by the President to administer this program for employees. The Dean of Research is designated by the President to certify this program for University grants and contracts.

The President's Council is designated by the President to oversee the development and implementation of the Drug-Free Workplace Policy and Program. The Director of Personnel and the Dean of Research are delegated to assist the Council in this process.

Program: The University establishes the following Drug-Free Workplace Program:

1. The purpose of the Program is to inform the University's employees about:
 - a. the dangers of drug abuse at the University as a workplace.
 - b. the Board of Regents' policy for maintaining a drug-free university environment.
 - c. the information on available drug counseling, rehabilitation, or employee assistance programs.
 - d. the appropriate disciplinary action and penalties that may be imposed for a drug abuse violation.
2. The Program requires the Director of Personnel to provide each employee with a copy of the policy.
3. The Program requires each employee, as a condition of employment, to:
 - a. abide by the Board of Regents' Drug-Free Workplace Policy.

- b. notify the Director of Personnel of any criminal drug statute conviction for a violation occurring on the University premises no later than five days after conviction.
 - c. sign a certification of awareness of the University Drug-Free Workplace Policy and Program.
- 4. The Program requires the Dean of Research to:
 - a. sign a certification of the University Drug-Free Workplace Policy and Program for all grants and contracts proposals and agreements.
 - b. notify the appropriate federal contracting agency within ten days after receiving notice from an employee of a conviction of any criminal drug statute or of otherwise receiving actual notice of the conviction.
- 5. The Program requires the Director of Personnel to take one of the following actions after receiving notice of any criminal drug statute conviction:
 - a. appropriate disciplinary action according to established personnel and procedure up to and including dismissal, and/or
 - b. requiring the employee to participate in an approved drug-abuse assistance or rehabilitation program.
- 6. The Program requires the University to make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy and program.

V. CONTRACTS

Every contract issued to a faculty member shall state at least the following information: (1) faculty classification (see Definitions, p. 1); (2) rank; (3) tenure status; (4) academic assignment (discipline); (5) salary; (6) constituency; and (7) special conditions of employment, if any.

The contractual responsibilities of nine-month faculty shall begin with an initial faculty meeting which shall be called within five days prior to the beginning of instruction in the fall. These responsibilities shall terminate with the submission of final grades and attendance at spring commencement. All full-time regular faculty members will be notified by the earliest feasible date (not later than April 1, if possible) of the details of their contracts for the next year, including rank and prospective salary.

VI. SUMMER EMPLOYMENT

Summer opportunities for employment of regular faculty for the summer session will be controlled by anticipated enrollment, needed course offerings, and availability of budgeted funds.

Where feasible, a rotation system will be utilized to give as many faculty members as possible an opportunity for summer employment. The first consideration will be program needs as determined by the college dean and the Vice President for Academic Affairs.

However, faculty members with terminal academic preparation in a program will ordinarily be given preference in summer assignments as faculty with less than terminal preparation are expected to continue work toward the completion of terminal qualifications. Every effort will be made to hold summer session loads to a maximum of six semester hours per faculty member, based on an eight-week session. Faculty to be employed

for the summer session will be notified by letter of appointment not later than May 1 of each academic year (or as soon thereafter as possible, subject to state funding approval).

VII. OVERLOAD EMPLOYMENT

Ordinarily, full-time faculty shall teach no more than one course as an overload per academic year. Exceptions to this general guideline may be requested through the school director/department chairman and the dean, subject to final approval by the Vice President for Academic Affairs. Overload shall be any instructional responsibilities of Eastern New Mexico University and its affiliated programs assigned to a full-time faculty member in addition to the normal load.*

VIII. OUTSIDE EMPLOYMENT

Outside employment is defined as employment for which compensation is not disbursed by the University. Subject to certain restrictions, members of the faculty are encouraged to engage in outside activities which will enhance their personal and professional growth and reputation. The university policy concerning outside employment is as follows:

- A.** Since faculty members' primary responsibility is to the University, all outside employment is considered secondary. Outside employment will be deemed excessive when, in the judgement of the school director/department chairman and the dean, it interferes with the faculty member's obligation to the University.
- B.** Outside professional employment will not significantly conflict with classes, office hours, or other assigned duties and commitments. When outside employment does not involve absence from assigned duties and commitments, the faculty member is nevertheless responsible for keeping the school director/department chairman and dean fully informed, in writing, about the nature and extent of these circumstances.
- C.** Except in the cases specifically approved, in writing, by the President which authorize official university involvement, the faculty member, in undertaking such employment, shall act as an individual and not as an agent of the University and shall not use the name of the University or official university stationery in connection with such work.
- D.** The amount of earning from outside employment is not a concern of the University. However, in order to avoid possible charges against the university of unfair competition, a faculty member should charge fees at least as great as would be charged by firms or individuals doing similar work, except when advice or services are given free in the public interest.

IX. MEDICAL LEAVE

Medical leave to include maternity leave with pay shall be authorized to all full-time nine-month faculty members to accrue at the rate of 12 working days per year up to a maximum of 130 working days or, in cases of long-term disability, until long-term disability insurance benefits available through the University shall go into effect. Current faculty at Eastern New Mexico University at the time of the adoption of the current medical leave policy will be allowed to use prior service to the institution to establish the amount of accrued medical leave but in no case shall accrued medical leave exceed the maximum of 130 days as stipulated by the *Faculty Handbook*. Nonteaching faculty of twelve-month contracts (including, but not limited to librarians with faculty rank, coaches, and assistant deans) shall accrue medical leave at the rate of 14 hours per month or 168 hours per year. A maximum of 1040 hours (130 working days) can be accrued.

*Normal load is 12 semester hours or its equivalent for faculty on the Portales campus. For faculty on the Roswell campus, the normal teaching load is 15 semester hours or its equivalent, because that is the basis upon which funding is recommended by the Commission on Higher Education for branch campuses.

Faculty members who are less than full-time but who are half-time or more shall be entitled to medical leave prorated on the basis of the proportion of their position to a regular full-time position.

X. RETIREMENT

The New Mexico Educational Retirement Act of 1957 ensures a sustained program of retirement benefits for faculty and other personnel. An explanation of the eligibility and benefits may be found in the NMSA 1978 compilations and in a pamphlet prepared by the New Mexico Retirement Board, available in the University Personnel Office.

The following privileges are afforded retired faculty members:

- * Library privileges are available on the same basis as those granted regular faculty, except that loans are limited to one month.
- * Publications printed by the University may be obtained on the same basis as they are made available to regular faculty.
- * All university-sponsored events and facilities will be made available on the same basis as they are made available to regular faculty.
- * Retired faculty shall have free access to office and laboratory facilities when available.
- * A retired faculty member may enroll tuition-free for one course each semester and during the summer session.
- * The University shall pay sixty percent of the university-sponsored health insurance premiums for retired faculty.

XI. EMERITUS STATUS

Emeritus status upon retirement may be recommended to the President through the regular faculty evaluation process for approval by the Board of Regents. Such status is not automatically awarded but is to be regarded a special recognition of outstanding services. Emeritus status shall be conferred at Commencement following approval. Emeriti faculty shall be listed with other faculty in university publications.

XII. INSURANCE

The University offers a voluntary group insurance plan that provides both health and life insurance coverages. The University pays sixty to seventy-five percent of the health insurance portion for the employee, depending on the annual salary of the employee, or up to the maximum allowable by law. Booklets providing complete information and schedules are available in the Business Office. Benefits are subject to change as insurance contracts are negotiated periodically. Faculty are involved in such determinations as representatives in the Business Policy Committee, a university standing committee.

XIII. ANNUITIES

Tax-sheltered annuity plans are available to all employees. Retirement investments may be made under a payroll deduction arrangement. These programs offer the employee income tax advantages. Complete details are available from the Business Office.

XIV. WORKMAN'S COMPENSATION

If injured on the job, university employees are protected under the Workman's Compensation Laws of the state. Premiums for this coverage are paid by the University. The text of the law will be found in the NMSA 1978 compilation.

XV. SOCIAL SECURITY

In addition to retirement benefits under the New Mexico Educational Retirements Act, each employee will receive benefits under the Social Security law. Benefits of the program are summarized in a book available from the Payroll Office.

XVI. TUITION PRIVILEGES

In consideration for services rendered, the University will waive regular tuition for one course, not to exceed three credit hours, each semester or summer session subject to the restrictions listed in the *Administrative and Governance Policies and Procedures* manual. The waiver privileges apply also to noncredit/audit courses but exclude interim session, extension, seminars, and workshops or any other self-supporting classes offered by Extended Learning.

XVII. VACATIONS

Faculty on regular nine-month or summer session contracts will observe vacations as established by the annual instructional calendar. Nonteaching faculty on twelve-month contracts (including, but not limited to, librarians with faculty rank, coaches and assistant deans) will have one month (22 working days) of vacation annually. A maximum of 44 days can be carried forward to a new fiscal year.

XVIII. LEAVES

In order to encourage faculty members to apply for outside grants and to stimulate academic achievement and scholarly activity of both inexperienced and experienced members. Eastern New Mexico University provides four types of leave.

General Guidelines

Application for sabbatical and faculty development leaves mentioned below are channeled through the regular faculty evaluation process.

The general criteria in evaluating application for these leaves are:

- * the merit of activity to be undertaken during the leave period as it relates to the growth of the individual in the fulfillment of the total purposes of the University;
- * the suitability or arranging for others to assume responsibilities of persons while on leave; or feasibility of eliminating course offerings while the person is on leave; and
- * the availability of funds for these purposes.

Note: A report of the work undertaken and completed by the faculty member during the leave shall be submitted through the school director/department chairman and dean of the college to the Vice President for Academic Affairs and the President within two months of the faculty member's return to the campus.

A. Sabbatical Leave

Tenured members of the faculty have first consideration in sabbatical leaves. If there are not enough requests, or if the projects of tenured faculty are not approved, the nontenure, regular full-time faculty will be eligible. Sabbatical leave shall be for post-doctoral study, research and/or enrichment.

Sabbaticals for two semesters will be at half pay; sabbaticals for one semester will be at full pay. In either instance, the salary will be based on the academic year salary (August-May) of the faculty member during the year for which the sabbatical is granted. Summer sabbatical salary will be the regular summer school stipend to which the faculty member would be entitled if assigned to regular teaching for the summer session. Two summer sabbaticals will constitute the equivalent of a full sabbatical.

Other factors being equal, persons having the longest interval since the last sabbatical shall be given highest consideration.

It is assumed that faculty members on sabbatical leave will continue as employees of the University; thus, the policies regarding rights, privileges, and responsibilities of those on sabbatical are the same as those for faculty members on active duty. This means that those persons on sabbatical should give at least as much time to their study and research as they would give to their regular duties on campus. In accepting sabbatical leave, the faculty member will accept only such employment as is consistent with the goals of the sabbatical. Grant support during the sabbatical should be reported to the Vice President for Academic Affairs and to the dean of the college.

Eligibility for sabbatical leave is established by the completion of six years of full-time service to the University. Following completion of a full sabbatical, eligibility for a second sabbatical leave will require six additional years of full-time service to ENMU.

Two full contract years of service to ENMU are required after any portion of the sabbatical leave has been completed. Failure to comply will require full reimbursement of salary paid for the sabbatical, plus interest compounded at the rate prevailing in local lending institutions.

B. Faculty Development Leaves

Faculty who have not completed terminal degrees may apply for faculty development leaves which will be funded in the same manner as are sabbatical leaves. The time spent working for an advanced degree does not apply toward tenure or increase the faculty member's seniority.

Any faculty member may also apply for a faculty development leave for in-service education which will enhance the faculty member's professional capabilities in a present instructional assignment. The funding level for this type of leave will be negotiated individually and may vary from case to case, depending on circumstances. Development leave contracts will be prepared upon approval of a leave and will define the conditions and obligations of the faculty member.

C. Leave of Absence

A request for a leave of absence and its approval shall be made through the school director/department chairman, the dean, the Vice President for Academic Affairs, the President and the Board of Regents. A person on leave of absence is without pay from the University.

Group insurance may be continued while the faculty member is on leave, providing the full payment for the insurance is made with no contributions being paid by the institution during the period and provided that continuance of the insurance while on leave is allowed by the insurance company.

The regulations of the New Mexico Educational Retirement Board prohibit the payment of retirement contributions, and payments must be discontinued during the period of leave of absence.

D. Leave for Political Purposes

With respect to leaves of absence for political purposes, the University subscribes to the principles outlined in the 1969 *Statement on Professors and Political Activity* of the AAUP. According to New Mexico Statute, faculty members elected to the state legislature may not be compensated by the University during their terms of office.

All such activity, except that clearly of a consultative nature or that under contract through the University, which is directly related to one's professional competency should be entirely disassociated from one's university relationship. By this, it is meant that the faculty member should not create the impression that he/she is acting either for, in behalf of, or with the approval of the University.

E. Personal Leave

When a faculty member requests time away from campus for events other than those occasioned by family/health emergencies or for professional development, such an absence constitutes personal leave. Only regular faculty will be eligible for personal leave which will be limited to five work days during the regular academic year and two work days during summer semester. Personal leave will not accumulate from academic year to academic year.

A faculty member requesting personal leave has the obligation to complete the off-campus leave request and to provide precise information about how missed classes and other obligations will be covered. Faculty are relied upon not to abuse the right to request personal leave, since their absence burdens faculty covering responsibilities and students whose instruction is being interrupted.

PART FOUR

FACULTY SEVERANCE

I. RESIGNATIONS

Any provision in regard to notification of resignation by a faculty member will depend on the conditions of tenure which are in effect. ENMU does not expect its faculty to feel an obligation beyond the legal requirements of their contracts. It does expect faculty and staff members to act in accordance with several ethical considerations.

It is desirable that, when feasible, the full-time faculty member who has been approached with the offer of another position inform the appropriate officers of ENMU when such negotiations are in progress. The conclusion of a binding agreement for the faculty member to accept an appointment elsewhere should always be followed by prompt notice to ENMU.

A full-time faculty member should not resign in order to accept other employment during the term of the contract. It is recognized that emergencies will occur. In such an emergency, the faculty member may ask the appropriate officials of the institution to waive this requirement, but he/she should conform to their decision.

Violation of these ethical considerations may be brought to the attention of professional associations with the possibility of subsequent publication in particular cases after the facts are duly established.

II. DISCIPLINARY ACTION

Adequate cause for suspension, termination of services, or other disciplinary action, including written reprimands, temporary suspension with loss of pay, or other disciplinary action, may result from a faculty member's refusal or willful failure to perform duties as assigned by his/her supervisor pursuant to the terms of employment in the *Faculty Handbook* or the contract, incompetence in the performance of duties, moral turpitude, or other just cause. The University subscribes to the principles outlined in the AAUP *Statement of Procedural Standards in Faculty Dismissal Proceedings* of 1958.

When reason arises to question the fitness of a faculty member who has tenure or whose term appointment has not expired to discharge his/her normal responsibilities, the procedures detailed in the 1958 AAUP statement will be observed and are outlined below:

- A.** Preliminary proceedings shall be conducted involving the faculty member and an appropriate administrator.
- B.** Formal proceedings shall be instituted by the President and conducted by a hearing committee. The committee shall be elected from among the tenured faculty and shall include five persons, at least two of whom shall be from the college in which the faculty member holds his/her appointment. The election shall be conducted by the Faculty Senate; all faculty eligible for participation in the Faculty Senate elections are eligible to vote in this election. The committee shall report its decision to the faculty member and to the president, who shall transmit the report to the Board of Regents. Under New Mexico statutes, a full *de novo* hearing or trial before the Board is required. The Board may make a final decision overruling the committee only after a reconsideration of the case by the committee upon request of the Board.
- C.** Suspension of the faculty member is rarely justified but, if deemed advisable normally shall be with pay unless prohibited by law. Notification of suspension shall be given in writing by the Vice President for Academic Affairs.
- D.** Publicity about the case, except for simple announcements, shall be avoided until the proceedings

have been completed. All public statements shall be made through the President's Office.

III. REDUCTION IN FORCE

A. General Guidelines

1. The economic and academic conditions prevailing in higher education may require a reduction in force. In order to make reduction in force as fair and orderly as possible and to protect faculty members, both probationary and tenured, against the effects of such action, reduction in force shall occur only under the following conditions.
 - a. Institutional financial problems which are demonstrably *bona fide* as determined by legislative funding.
 - b. A significant decline in general enrollment or shifting patterns of enrollment within the University requiring programmatic review.
2. The following priorities shall serve as guides in reduction of force. Only when reduction would create severe program dislocations and when no reorganization is possible in the judgement of the dean of the affected college will the priorities be affected.
 - a. Within any academic discipline:
 - (1) Faculty other than regular full-time faculty shall be reduced before any probationary staff is affected.
 - (2) Probationary faculty shall be reduced before any tenured faculty.
 - (3) Reduction in force should ordinarily proceed according to seniority. Exceptions shall be clearly justified by the dean of the college.
 - (4) When faculty members have been employed under an affirmative action program, exceptions may be made to this procedure to guarantee the integrity of that program.
 - b. Faculty members whose positions have been reduced shall be guaranteed certain rights and benefits:
 - (1) Before being terminated, the faculty member shall have the right to fill any existing academic or nonacademic vacancy for which he/she is qualified or the right to transfer to any other discipline or to another branch to fill any vacancy therein for which he/she may be qualified. Qualifications will be determined by the dean of the affected college in consultation with the faculty.
 - (2) The right of recall to any position (whether it is a newly created position or a vacancy) for which the individual is qualified shall be provided for a one-year period. Recall within a discipline shall be based on seniority at the time of separation.
 - (3) When faculty members who have been separated are rehired for the same discipline, they will be reinstated with the benefits and status accrued at the time of reduction.

- (4) The institution should provide all possible assistance to a separated faculty member in securing a position in another institution or location.

B. Definitions

1. Reduction in Force Due to Financial Exigency

A reduction in force due to financial exigency shall be necessary when it is determined by the Board of Regents that the regularly appropriated current general budget is inadequate for the maintenance of the existing number of faculty positions. Termination for financial exigency will normally be effective at the conclusion of the academic year during which this action is taken. Procedures are described in Section C.1. below.

2. Reduction in Force Resulting from Programmatic Review

A reduction in force for programmatic reasons may be necessary when a significant decline in general enrollment or shifting patterns of enrollment within the University are determined by the Board of Regents to be sufficiently serious as to require the shifting of personnel resources to meet student needs. The Vice President for Academic Affairs, in consultation with the Academic Council, will make the initial determination as to the necessity for programmatic review. When the President and the Board of Regents concur, a review will be undertaken following the procedures in Section C.2. below.

C. Procedures

1. Reduction in Force Due to Financial Exigency*

- a. When the Board of Regents determines that there exists a financial exigency which will require the elimination of one or more faculty positions, a reduction in force committee shall be formed which shall be called the Financial Review Committee (FRC) and which shall consist of the Vice President for Academic Affairs (who shall chair the committee); the Vice President for Business Affairs; the Dean of Graduate Studies; the Presidents of the Faculty Senate; the Professional Employee Senate; the Support Services Senate; seven faculty members; and two students. The faculty members must be tenured and shall be elected in each college by those within the respective colleges who are eligible to vote in Faculty Senate elections. Three will be elected from the College of Liberal Arts and Sciences; two from the College of Education and Technology; and one each from the College of Business and the College of Fine Arts. The Faculty Senate shall conduct the elections as directed by the Board of Regents upon the Board's finding that a financial exigency exists. The student members will be appointed by the President of the Student Government who may appoint himself/herself and shall represent majors in different colleges.
- b. The committee shall review all pertinent data available, including data provided by the Offices of Academic Affairs and Planning and Analysis, including Commission on Higher Education documents, Board of Regents directives, enrollment statistics covering at least the three previous years, and data generated by appropriate committees, disciplines, departments, schools, and colleges; and hold whatever hearings as it deems necessary.

*These procedures take precedence over all others in this *Handbook* relating to severance of faculty. Under these circumstances, it may be necessary to set aside notification deadlines (see page 10).

- c. The Vice President for Academic Affairs shall conduct hearings to allow concerned schools, departments, disciplines, and programs the opportunity to rebut before recommending to the dean that a program be reduced.
- d. In accordance with the guidelines established above, the dean, in consultation with the school directors/department chairmen, shall submit his recommendations to the Vice President for Academic Affairs.
- e. The Vice President for Academic Affairs shall submit his recommendations to the President for review before final recommendations are submitted to the Board of Regents.
- f. Whenever a tenured faculty member is affected by these procedures, the Board of Regents shall afford such faculty member a public hearing in compliance with New Mexico statutes.
- g. Nontenured faculty may request a hearing which may be granted at the discretion of the Board. The decision of the Board is final.

2. Reduction of Force Resulting from Programmatic Review

- a. When the Board of Regents determines that a programmatic review is necessary, a reduction in force committee shall be formed which shall be called the Program Review Committee (PRC) and shall consist of the Vice President for Academic Affairs (who shall chair the committee); Dean of Graduate Studies; the President of Faculty Senate; seven faculty members, and two students. The faculty members shall be elected as described in Section C.1.a. above.
- b. See Section C.1.b. above.
- c. The committee shall consider the special needs of any discipline to carry on a quality program and may recommend that a program be funded in excess of its student production.
- d. Should a possible reduction affect the existence of an academic program, the discipline, school/department, and college will have three weeks in which to provide written and oral justification for its program to the committee before the committee submits its recommendations to the Vice President for Academic Affairs.
- e. See section C.1.c. above.
- f. See section C.1.d. above.
- g. See section C.1.e. above.
- h. See section C.1.f. above.
- i. See section C.1.g. above.
- j. Faculty affected by reduction in force resulting from programmatic review will be given notification in accordance with the deadlines on page 10.

D. Procedures as Applied to ENMU-Roswell

1. Reduction in Force Due to Financial Exigency*

- a.** When the Board of Regents determines that there exists a financial exigency which will require the elimination of one or more faculty positions, a reduction in force committee shall be formed, shall be called the Financial Review Committee and shall consist of the Instructional Dean (chair of the committee); the President of the Faculty Senate; one member of the Professional Employee Senate; one member of the Support Services Senate; and at least six faculty members and two students. The faculty members must be tenured and shall be elected by those faculty members eligible to vote in Faculty Senate elections. At least one faculty member shall be elected from each instructional division. The Faculty Senate shall conduct the election for faculty representatives; the student members shall be appointed by the President of Student Government, who may appoint himself/herself. However, one student member must come from the vocational program and one from an academic transfer program.
- b.** The committee shall review all pertinent data available, including that provided by the administration, consisting of Commission on Higher Education documents, Board of Regents directives, enrollment statistics covering at least three previous years, and data generated by appropriate committees. The committee will hold whatever hearings it considers necessary.
- c.** The instructional dean shall conduct hearings to allow concerned programs and faculty members a rebuttal before recommending to the division chair that a program be reduced.
- d.** In accordance with the guidelines established above, the instructional dean, in consultation with the division chair, shall recommend to the Provost individual faculty members to be considered a part of the reduction.
- e.** The Provost shall submit his/her recommendations to the Vice President for Academic Affairs, who in turn shall submit his/her recommendations to the President for review before final recommendations are submitted to the Board of Regents.
- f.** Whenever a tenured faculty member is affected by these procedures, the Board of Regents shall afford such faculty member a public hearing held in compliance with New Mexico Statutes.
- g.** Nontenured faculty may request a hearing which may be granted at the discretion of the Board. The decision of the Board is final.

2. Reduction in Force Resulting from Programmatic Review

- a.** When the Board of Regents determines that a programmatic review is necessary, a reduction in force committee shall be formed; shall be called the Program Review Committee (PRC); and its membership shall be constructed the same as the FRC (D.1.a).

*These procedures take precedence over all others in this *Handbook* relating to severance of faculty. Under these circumstances, it may be necessary to set aside notification deadlines (see page 10).

- b.** See section D.1.b. above.
- c.** The committee shall consider special needs of any discipline to carry on a quality program and may recommend that a program be funded in excess of its student production.
- d.** Should a possible reduction affect the existence of an academic program, the discipline, school/department and college will have three weeks in which to provide written and oral justification for its program to the committee prior to the committee submitting its recommendations to the Vice President for Academic Affairs.
- e.** See section C.1.c. above.
- f.** See section C.1.d. above.
- g.** See section C.1.e. above.
- h.** See section C.1.f. above.
- i.** See section C.1.g. above.
- j.** Faculty affected by reduction in force as a result of programmatic review will be given notification in accordance with the deadlines listed in Part Two, "Notice of Nonreappointment."