

Faculty Executive Committee (FEC)
Amendments to *Faculty Handbook Part Six* (version dated 02-08-08)
February 29, 2008

The following are friendly amendments to the current draft of Part Six, made by the Part Six Working Group on the basis of comments received during the layover period.

1. Article VI, Section A “Harassment Defined” (p. 608, bottom):

Whether the alleged conduct constitutes harassment will be determined on a case-by-case basis, taking into account relevant factors, such as the nature of the conduct and the context in which the incidents occurred.

The fact that someone did not intend to harass another individual may not constitute an adequate defense in response to a complaint of harassment. Regardless of intent, the characteristics, context, and effect of the behavior determine whether the behavior constitutes harassment.

RATIONALE: The underlined text, also found in Section B (“Sexual Harassment Defined”) clarifies that all alleged incidents of harassment, not just sexual harassment, will be considered in context.

2. Article VII “Procedures for Resolving Complaints etc.” (p. 610, middle):

The procedures outlined in Article VII apply to all situations where a faculty member is accused of harassment or discrimination. Allegations against students (including full-time students who are also employees) will be resolved according to procedures outlined in the Student Handbook.

RATIONALE: The underlined text clarifies that, for the purpose of resolving allegations against them, student employees are to be considered students, not staff.

3. Article VII, Section E “Advisory Panel” (p. 614, middle):

When a faculty member is formally accused of harassment or discrimination, the College’s procedures establish opportunities for other faculty members to provide advice and recommendations. Such faculty advice and recommendations will be provided through the Advisory Panel (AP) as described more fully below and in Section F.

RATIONALE: The underlined text refers readers to other portions of Article VII that describe the work of the AP in greater detail.

4. Article VII, Section E “Advisory Panel” (p. 614, near bottom):

In the case of complaints by faculty members or students against faculty members, the AP will consist of two ~~tenured~~ faculty members selected by the ADEWD from the Faculty Advisory Board (FAB). The Faculty Advisory Board, which is constituted (a) by a general election and (b) by subsequent appointment by the Faculty Executive Committee (FEC) in consultation with the VPAA, consists largely of tenured faculty members who will be trained in issues relating to discrimination and harassment.

RATIONALE: Adding an election to the process of staffing the FAB will give the faculty a voice in choosing their representatives. The process still includes appointment as a means of ensuring that the FAB will be as representative of the Faculty as possible. The stricture that all members of the FAB must be tenured has now been loosened, both to maximize participation by faculty members and to ensure a duly representative FAB. The details are spelled out in the descriptions of the FAB and the AP in *Faculty Handbook* Part Two, the pending motion on which has been revised accordingly.

5. Article VII, Section F “Investigation” (p. 615, near bottom):

When possible, the investigation will be completed within 20 calendar days from the date the formal complaint is filed, unless more time is requested by the ADEWD. ~~The complainant will be notified if there is a need for an extension of time.~~ If the AP finds that the investigation will exceed this time limit, the ADEWD will provide written notification to the complainant, the respondent, and the appropriate official.

RATIONALE: The courtesy of notification of an extension of the normal 20-day investigation is now extended to the respondent and the appropriate official, as well as to the complainant.

6. Article VII, Section K “Appeals” (p. 617, top):

The President will provide his or her decision in writing to the appellant, the other party to the original complaint as appropriate, the ADEWD, and the appropriate official. If the President reverses or modifies the recommendation(s), then the President will provide written reasons for the action ~~to the appellant, the ADEWD, and the appropriate official.~~

RATIONALE: The underlined text ensures that the President will provide a written decision whether he or she agrees or disagrees with the recommendation(s), and now adds either the complainant or the respondent of the original complaint (if appropriate) to the list of those receiving the written decision.

7. Article VIII, Sections B, C, and D (pp. 617-8):

~~B-C.~~ Retaliatory Actions

~~C-D.~~ False Allegations

~~D-E.~~ For Additional Information or Assistance

RATIONALE: These sections must be relettered to accommodate a new section B, described in the following amendment.

8. Article VIII, new Section B (p. 617):

B. Extension of Time Periods.

If circumstances warrant, the College reserves the right to extend any processing time periods identified in this policy.

RATIONALE: The new text acknowledges that the ideal time frames outlined in Part Six, especially Article VII (“Investigation”), are much more fluid in reality, and that more time might be needed to process a complaint.

9. Article VIII, new Section D “False Allegations” (p. 618):

The College will not tolerate false allegations of harassment. ~~Such allegations constitute misconduct, and~~ Complaints made in good faith that are found not to constitute harassment or discrimination will not be considered false allegations. However, any individual who knowingly, maliciously, or frivolously makes a false allegation of harassment will be subject to disciplinary action up to and including separation from the College or, in the case of a students, to disciplinary action up to and including suspension or expulsion.

RATIONALE: The emendations both clarify that complaints made in good faith will not be considered false allegations, and correct a typographical error.