

Middlebury

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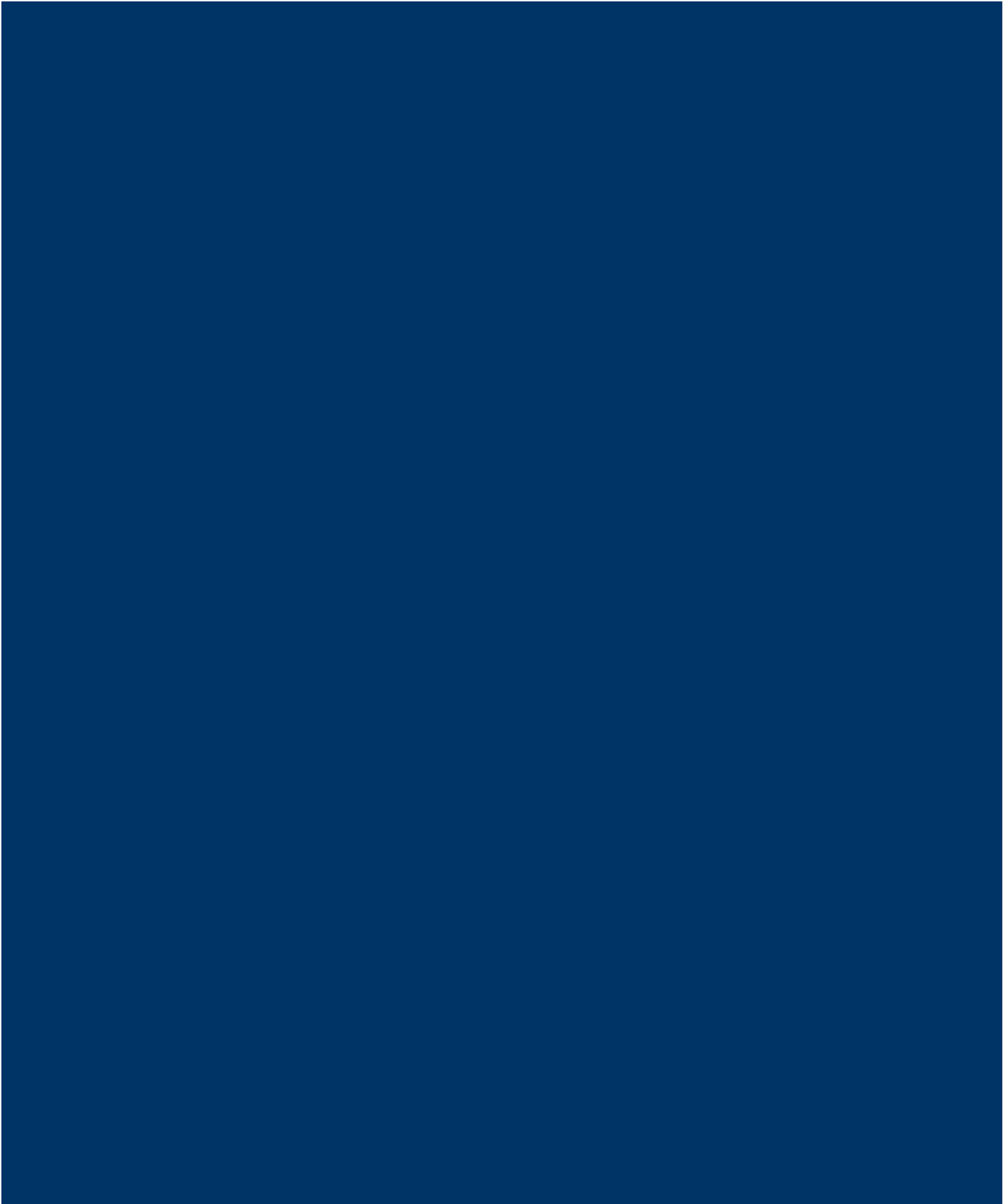
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General Information

General Introduction

This 2008-2009 *Middlebury College Handbook* supersedes all previous editions of the *Handbook and Directory*, *Employee Handbook*, and *Faculty Handbook Supplement*.

A newly updated on-line edition of the *Middlebury College Handbook* is published at the beginning of each academic year. This on-line web version of the 2008-2009 *Handbook* was posted in July 2008. Updates to this handbook that may become necessary during the course of the year are made on the web.

This handbook and the policies described herein are intended to be applied in programs offered at the College's Vermont facilities. Because of varying circumstances and legal requirements, policies stated herein may have little or no application to programs offered by the College elsewhere such as, for example, in connection with study abroad programs. This is consistent with the College's intent to comply with the requirements of applicable law. Individuals with questions about the policies governing such programs should consult the materials specific to the programs (such as handbooks for Study Abroad, Language Schools and Bread Loaf programs), and/or direct inquiries to the administrators of such programs.

Mission Statement

Middlebury College Mission Statement

At Middlebury College we challenge students to participate fully in a vibrant and diverse academic community. The College's Vermont location offers an inspirational setting for learning and reflection, reinforcing our commitment to integrating environmental stewardship into both our curriculum and our practices on campus. Yet the College also reaches far beyond the Green Mountains, offering a rich array of undergraduate and graduate programs that connect our community to other places, countries, and cultures. We strive to engage students' capacity for rigorous analysis and independent thought within a wide range of disciplines and endeavors, and to cultivate the intellectual, creative, physical, ethical, and social qualities essential for leadership in a rapidly changing global community. Through the pursuit of knowledge unconstrained by national or disciplinary boundaries, students who come to Middlebury learn to engage the world.

(The above statement was adopted by the Middlebury College Board of Trustees through the action of its Prudential Committee on March 2, 2006.)

Nondiscrimination Statement

Middlebury College complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, service in the armed forces of the United States, or against qualified individuals with disabilities on the basis of disability.

Middlebury College hereby designates the dean of the College to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 as amended. In general, Title IX prohibits discrimination in educational programs on the basis of sex. The College hereby designates the executive vice president and treasurer to coordinate its efforts to comply with and carry out its responsibilities under Section 504 of the Rehabilitation Act of 1973. Section 504, where applicable, generally prohibits discrimination against qualified handicapped individuals, in educational programs and employment, on the basis of handicap.

Health

PARTON HEALTH CENTER

The Parton Health Center strives to meet the health needs of Middlebury College students as it pertains to fulfilling their academic and co-curricular pursuits, and to provide age-appropriate health education in a caring and sensitive manner.

HEALTH FORMS

A completed Middlebury College Health Form is required prior to course registration. Forms are due:

- July 1 for September matriculation
- October 31 for February matriculation

CONFIDENTIALITY POLICY

Middlebury College health services, comprised of Parton Health Center, Zug Sports Medicine Center and the Center for Counseling and Human Relations are committed to maintaining the confidentiality of students' physical and mental health information. Such information includes records, appointments and conversations pertaining to physical and mental health. To provide treatment, coordinate care and assure quality, Parton Health Center, Zug Sports Medicine Center and the Center for Counseling and Human Relations may share your health information within its own staff and to those providing services on its behalf. If you are an intercollegiate athlete or on the crew or rugby team, the Sports Medicine Department may exchange information with Parton Health Center. The Center for Counseling and Human Relations will not share health information with the College's other health services without written consent.

Ordinarily, no information of a personal nature is shared with others without the student's consent. For this reason we urge students to share information with family members themselves. Exceptions are made when there is serious or imminent danger to the safety or health of the student or to the safety or health of others. In such cases, deans, parents or the Department of Public Safety may be notified.

An attempt is made to notify parents immediately if a student is unconscious, critically ill, seriously injured or about to undergo emergency surgery. In such situations Health Center personnel reserve the right to notify the deans. Some situations that arise where notification may be desirable are:

- Inpatient admission to Parton Health Center or hospital: All students are urged by the staff to contact their parents/guardians. Parton Health Center staff will request permission to notify the student's Commons Dean.
- Any students raped or otherwise assaulted will be urged, in the interest of community safety, to report the occurrence to the Middlebury College Department of Public Safety, their Dean and the Dean of the College. Health Center staff will respect a student's requests to report such occurrences without using the student's name or other identifying information.
- When disclosure is otherwise required by federal, state or local law.

Please note: Middlebury College and Parton Health Center are not subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and therefore are not required to comply with the various federal regulations relating to the use and disclosure of health information. Middlebury College is, however, committed to protecting student privacy. This policy should not be interpreted as creating any contractual rights and Middlebury College reserves the right to make changes to this policy at any time without prior notice.

APPOINTMENT POLICY

Parton Health Center is open for appointments during our regular business hours of 8:30 am – 6:00 pm Monday through Friday. The Health Center is staffed by a registered nurse 24-hours-a-day, 7 days-a-week during the academic year for telephone consultation, emergent health care needs and overnight infirmary care. The staff of Parton Health Center encourages every student to call ahead to schedule an appointment with a nurse, nurse practitioner or the doctor.

SELF-CARE

Each year, we find that *many students in all grade levels arrive at college inadequately prepared to handle minor illnesses*. In addition to good health hygiene practices,* use of some medications for symptomatic relief can oftentimes prevent simple symptoms from becoming more problematic. *We strongly recommend that all students, particularly incoming first-year students, discuss personal care with their parents and understand how to use the following:*

1. thermometer (bring one with you and know how to use it)
2. anti-inflammatory medication (ibuprofen or naproxen sodium)
3. pain relief medication such as acetaminophen
4. cough medicine such as guaifenesin
5. nasal spray decongestant (oxymetazoline, a.k.a Afrin)
6. nasal irrigation (a.k.a. Sinus Rinse)

** frequent hand washing, not touching your face or eyes, getting adequate rest, and avoiding academic (i.e. "cramming" or "all-nighters"), social, or athletic over-exertion, and considering a flu-shot in the late fall*

VACCINES

New Vermont law, effective September 2008, now requires that all students submit an immunization record including proof of the following as documented by your home health care provider::

- Measles, Mumps and Rubella: two vaccines after your first birthday
- Meningococcal vaccine
- Hepatitis B vaccine: three dose series
- Tetanus: within the last 10 years
- Chicken Pox (Varicella): two dose series for those over 13 years old who have not had chicken pox

Though not required, the Center for Disease Control also recommends other vaccines for college students, including:

- Polio vaccine (primary series),
- Diphtheria and Acellular Pertussis (Tdap),
- HPV vaccine for females
- Influenza vaccine (flu shot clinics are held each fall when vaccine is available)

Some students, including those who travel abroad will benefit from

- Hepatitis A vaccine series,
- Typhoid vaccine
- Other travel vaccines depend on destination and can be determined at a travel visit at the Health Center.

Due to the length of time some vaccine series require, we recommend that all students considering travel abroad also consider receiving the Hepatitis A vaccine series prior to matriculation.

MENTAL HEALTH

We encourage students who are experiencing psychological distress to talk with a counselor at the Center for Counseling and Human Relations at x5141.

During the hours when counseling is closed, you may call Parton Health Center at ext. 5135 to talk with a nurse. The health center is open 24-hours-a-day, 7-days-a-week. The nurse at the Health Center can provide support, make referrals to the College's counseling center or make connections with the Counseling Service of Addison County for immediate crisis intervention

PANDEMIC PREPAREDNESS: STUDENT INFORMATION REQUIREMENT

All Middlebury College Students Are Required to Develop and Enter a Personal Evacuation Plan.

Middlebury College has expanded and updated its Emergency Plan to include the threat of severe illness, including pandemic flu. Because of the potential need for a quick response to an outbreak, individuals are the only people who can effectively plan for themselves. All Middlebury College students are required to develop and submit at least one Personal Evacuation Plan. Students will not be allowed to register for their second semester of classes until they have entered a plan (via Banner Web) which includes:

1. Student name, College I.D number, contact information.
2. Addresses of two personal evacuation locations, preferably in different cities and with one location within a reasonable driving distance of Middlebury, VT.
3. How the student will get to each destination.
4. Whether the student would be able and willing to provide transportation to other students, and if so, how many.
5. Whether the student would be able and willing to provide temporary housing to other students, and if so, how many.

The information will not be verified by the College but will be sent to every student's parent and/ or guardian at the time the information is initially entered. A student will be able to change that information via Banner Web, but any changes will not be sent to parents or guardians.

While the College will require this only once during a student's enrollment at Middlebury – and in future years typically during the student's first semester – students will be able to update their plans at any time. Students will be responsible for notifying their families of any changes, and we strongly encourage students to inform anyone that they are dependent on for evacuation of their role in the plan.

For more information about Middlebury College's response to Pandemic Flu, visit <http://www.middlebury.edu/campuslife/services/health/fluresponse/>.

MIDDLEBURY COLLEGE POLICY ON HIV INFECTION

The Middlebury College policy on HIV infection was revised in 1992 by the HIV Task Force, composed of Middlebury College students, staff, and faculty. The revised policy expresses a commitment to prevention of the disease through education, outlines services available in the campus community to individuals living with HIV, and sets guidelines for dealing with HIV-related issues. Copies of the policy are available to students at the Parton Health Center, the Commons offices and online on the Parton Health Center website.

DRUGS AND ALCOHOL POLICY

Middlebury College is concerned about illegal drug use and alcohol abuse in our society and in our community. The College regards illegal drug use and alcohol abuse as serious problems that can affect the entire College community. Members of the Middlebury community must be aware of the College drug and alcohol policy, as well as pertinent local, state, and federal laws. It is also important that all members of our community know where help is available for those who need it.

The College campus is subject to local, state, and federal laws concerning the possession, use, distribution, and manufacture of drugs, including alcohol. Students must be aware of and abide by these laws or face the possibility of legal prosecution. Middlebury College opposes the use of illegal drugs and does not provide students with a haven from the law. The College will not inhibit the legal prosecution of any member of the College community who violates the local, state, or federal law. Law enforcement officers, when in possession of the proper documents, have a legal right to search any and all buildings on the campus without prior notice. The College also reserves the right to furnish the police with information regarding illegal activities.

For information specific to state and federal laws governing the illegal use, possession, and distribution of drugs and alcohol, see the Middlebury College publication *Drugs, Alcohol and You* (which is mailed each year to every student).

The College opposes the possession and use of prescription drugs by persons for purposes other than those prescribed by a licensed physician. Drugs other than those prescribed by a licensed physician for legitimate health purposes may not be used or stored on College property.

1. Students of Middlebury College are also subject to the College drug and alcohol policy rules and regulations while on College premises or College-related premises or when involved with off-campus, College-sponsored events or off-campus events sponsored by registered College organizations.

a. Illegal use of alcohol (underage drinking, open containers, possession of alcohol by a minor) will result in citations and penalties ranging from warning to expulsion.

b. Students found selling, manufacturing, or possessing drugs in amounts that indicate drug sales or distribution will face penalties ranging from suspension to expulsion from school.

c. Students or organizations found illegally selling, manufacturing, or distributing alcohol will face disciplinary action up to and including expulsion.

d. Students using illegal drugs or in possession of amounts that appear to constitute "personal use" will face penalties ranging from warning to expulsion.

e. Possession of drug paraphernalia that has been used, whether at the time of confiscation or not, is against the law, and students who violate the law are subject to College discipline.

2. Involvement with or dependency upon drugs or excessive or illegal use of alcohol will be viewed by the College as a health concern, as well as a disciplinary matter. Where a Commons dean has reasonable concerns that a student's health is being compromised by alcohol and other drug use, abuse, a drug and/or alcohol consultation or assessment may be required. In addition, where a student's name or the name of an organization or a group occurs repeatedly in connection with a drug or alcohol problem, even though no concrete evidence or direct witness is involved, a dean may contact the student and meet with him or her. In these cases a drug/alcohol consultation or assessment may be required. In addition, in instances where a student's name occurs repeatedly in connection with a drug or alcohol problem, even though no concrete evidence or direct witness is involved, a dean will contact the student and meet with him or her. In these instances, the dean may encourage or require the student to undergo a drug/alcohol assessment, on or off campus, and may notify the student's parents or guardian of concerns about the student's drug or alcohol problem.

In disciplinary situations and the situations of concern mentioned above, a student may be required to withdraw from the College

until successful resolution of the problem is documented to the satisfaction of the College.

NESCAC Presidents' Statement on Abusive Drinking and Hazing

In addition to being partners in athletic competition, the 11 colleges and universities comprising the New England Small College Athletic Conference (NESCAC) are united in efforts to provide safe environments in which students may mature intellectually and socially.

Recognizing that social life plays a role in the college experience, each campus has increased its efforts to encourage students to make responsible choices. Each school takes a strong stand against substance abuse, including alcohol. While the vast majority of students at NESCAC institutions who choose to drink alcohol do so responsibly, each school has disciplinary and educational programs in place for students who misuse alcohol and other substances.

Additionally, all of the conference schools expressly prohibit hazing.

NESCAC member institutions: Amherst College, Bates College, Bowdoin College, Colby College, Connecticut College, Hamilton College, Middlebury College, Trinity College, Tufts University, Wesleyan University, Williams College *[Adopted 12/14/2000]*

College Services: Information and Help

Center for Counseling and Human Relations, Extension 5141
Parton Health Center, Extension 5135

Students who are concerned about their own or a friend's use of alcohol and/or other drugs are encouraged to seek assistance through the College's Counseling and Human Relations Center or the Parton Health Center, both located in Centeno House. Professional staff are available when the health center is open to provide care and recommend treatment. Services provided by the Health Center and Counseling Center are confidential. Staff members of the Counseling and Human Relations Center and Parton Health Center provide supportive and educational counseling in addition to substance use evaluations, as time allows. Staff can help students to identify and understand the signs and behaviors associated with substance abuse, as well as treatment and support options. They also provide useful information for talking with a friend about the use of alcohol and other drugs. Also available is referral information about community resources, including private counselors, self-help groups, and comprehensive treatment facilities. Emergency medical treatment can be provided by the Health Center or Porter Hospital.

The director of health and wellness education provides educational materials for individuals and programs for the College community that address the many issues surrounding alcohol and drugs. The Office of Health and Wellness Education is also located in Centeno House. All first-year students are expected to participate in and complete the on-line course AlcoholEdu. Instructions will be mailed to incoming first-year students at their middlebury.edu e-mail address.

Alcoholics Anonymous, Narcotics Anonymous, Al-Anon, and Adult Children of Alcoholics groups meet in Middlebury and welcome student participation. A listing of meeting times and locations is available from the Center for Counseling and Human Relations and the Parton Health Center.

Community Responsibility

Middlebury College believes that alcohol and other drug-related problems affect our entire community and that each of us has a responsibility to help safeguard the community health by respecting College policy and intervening in situations of abuse. Any member of the College community having knowledge of the possession or use of illegal drugs by an individual on campus is urged to talk with the person and encourage the individual who is using illegal drugs or abusing alcohol to seek counseling and/or medical assistance. As a community of scholars, we are committed to providing a safe learning environment for each other. All members of the community are expected to help protect the community health by informing appropriate College staff members of instances of drug distribution and/or sales.

SPORTS MEDICINE POLICY FOR INJURY EVALUATION AND TREATMENT

The College policy for services provided by the Sports Medicine Department, beginning September 1, 2000, is outlined below. The department will provide services to all students who are members (on an official roster) of College intercollegiate teams. It will also treat students who are candidates for intercollegiate teams beginning one month prior to the start of their competitive season. The department will also provide the same services, as described above, to students who are members of two club sports: rugby and crew. Students who fall outside these guidelines will need to seek care at the health center, Porter Hospital, or by a doctor of the student's choice.

Safety

EMERGENCY

Middlebury College Department of Public Safety

extension **5911**

Emergency Dispatch Center
Call **911** - Vermont State Police

The Middlebury College Department of Public Safety encourages you to report suspected crimes and emergencies as promptly and as accurately as possible. In case of emergency at any time, night or day, call the Department of Public Safety.

The Department of Public Safety (DPS) can be contacted by dialing 5911, or 5133 from any campus phone. Emergency phones (push the red button to call Public Safety directly) are located in the main student parking lots:

- C Lot (FIC),
- D Lot (Atwater Halls A & B),
- E Lot (Johnson),
- K Lot (Robert A. Jones),
- Q lot (Center for the Arts),
- R Lot (Ridgeline),
- S Lot (Bicentennial Hall),
- T Lot (Field House/Kenyon),
- Track lot (dirt lot east of Dragone Track),
- Kirk Alumni Parking Lot.

There are Emergency phones located at the entrances of most residence halls.

To report a crime in progress or other emergency, dial 911. Be prepared to provide the State Police dispatcher with your name, a description of the type of emergency, and the location of the emergency. Dial 911 only in an emergency, which means you are in need of immediate police, fire, or medical response. All 911 calls from campus telephones automatically dial a Vermont State Police emergency dispatcher. Both the State Police and DPS receive immediate information indicating the address where the call initiated. While the caller is speaking to the Vermont State Police dispatcher, DPS is dispatching an officer to the location.

If you mistakenly dial 911, please do not hang up, since all calls are "captured." Stay on the line and talk to the dispatcher before you disconnect. In the event of a hang-up, emergency service personnel will attempt to call you back, or if there is no answer, they will send someone to the location from which you called.

EMERGENCY PREPAREDNESS: INFORMATION REQUIREMENT

The College is revising and expanding its emergency preparedness policies, and the changes will be announced during the 2007-08 academic year. All students and College employees will need to provide and maintain current contact information for use in the event of an emergency, crisis, or significant disruption.

THE DEPARTMENT OF PUBLIC SAFETY 125 South Main Street Extension 5911

The Department of Public Safety (DPS) is responsible for safety and security on campus. The office is located at 125 South Main Street.

To address the security needs of Middlebury College, the Department of Public Safety provides uniformed security staff and a dispatcher/operator 24 hours a day. The DPS maintains two fully equipped patrol vehicles. Through the use of these cruisers, foot patrol, and seasonal bike patrol, officers maintain continual patrol through the College's buildings and grounds. All officers carry radios and are CPR and First Aid certified. The officers attend workshops and training seminars relevant to campus security and safety. Professionals in the fields of security, law enforcement, and emergency medical response provide these training sessions. Additionally, many of the staff at the Department of Public Safety have extensive prior experience in law enforcement, security work, emergency medical and fire response. Some officers have experience as volunteer emergency medical or fire department responders.

Residential buildings are locked and are not open to the public. Additional information about the College's Enhanced Access System is located at <http://www.middlebury.edu/administration/publicsafety/BuildingSecurityandGeneralInformation/EnhancedAccessInformation.htm>

Complete information on safety and security at Middlebury College is available at <http://www.middlebury.edu/administration/publicsafety/> or by request at the Middlebury College Department of Public Safety.

FIREARMS / FIREWORKS / KNIVES / STUN GUNS

Violations of the firearms, fireworks, knives, or stun gun regulations may result in confiscation of the item(s) and the owner and/or person in possession may be subject to disciplinary action.

Firearms

Firearms and ammunition are prohibited on the Middlebury College campus. Firearms include any type of rifle, pistol, handgun, muzzleloader, pellet gun, BB gun, air gun, paint gun, or device capable of propelling a projectile at a significant velocity.

Discovery of a loaded firearm in a College building, residence hall, on College grounds, locked in a vehicle on College grounds, or in the possession of a student or employee on campus may result in disciplinary action, and confiscation of the firearm. Neither hand-loading of ammunition nor the storage or possession of hand-loading materials shall be permitted on campus.

Exceptions are provided solely for the storage of firearms with the Department of Public Safety, as follows:

1. Middlebury College will only provide storage for hunting rifles, shotguns, hunting knives, bows and archery supplies. Students must register these weapons and store them with the Department of Public Safety. A handgun is never permitted on campus unless it is a duty weapon issued or authorized by the student's employer. In such cases, the handgun must be registered and stored with the Department of Public Safety.
2. Storage is limited to one firearm per person. Permission to store additional weapons may be granted by the director of Public Safety upon written request. All owners will abide by the firearms storage policy concerning storage time limits and penalties.
3. Firearm permits shall be issued for one academic year. Owners must claim their weapon(s) at the close of the academic term or at any time they move out of campus student housing. Firearm permits may be renewed upon request.
4. When permits are granted, the make, model, serial number, and caliber of the weapon shall be recorded on the permit and filed with the Department of Public Safety.
5. A firearm permit may be revoked for any violation of rules governing the possession of firearms.

Fireworks

Fireworks and firecrackers are illegal in the State of Vermont, except when used as part of a fireworks display by a licensed exhibitor who has obtained the permits required by the State Fire Marshal. Students or employees who possess or discharge fireworks are subject to disciplinary action.

Knives

Knives with a six-inch or longer blade are prohibited on campus. Knives with blades that are less than six inches, but by design can be used as weapons, such as switchblades or double-edged blades, are prohibited on campus.

Stun Guns

Stun guns and Tasers are not allowed on campus.

Explosives / Dangerous Chemicals / Hazardous Materials

Possession or use of explosives, dangerous chemicals, or hazardous materials, except as authorized in supervised academic programs, is strictly prohibited on the College campus.

Code of Conduct for Employees

Code of Conduct for Employees

The success of Middlebury College depends not only on the competence of its faculty and staff, but also upon its reputation for honesty, integrity, and lack of bias in conducting its affairs. This Code of Conduct identifies basic policy and standards concerning ethical conduct and provides guidance in several areas of specific concern. Each employee of Middlebury College is expected to adhere to these standards of conduct.

Other expectations for Middlebury College faculty and staff are covered in other sections of the Handbook, for example the employee handbook and faculty handbook chapters, and the policies on appropriate use of Web pages and electronic mail in the library and information services chapter.

General Principles

Middlebury faculty and staff should conduct themselves ethically, honestly, and with integrity in all dealings. They need to be fair

and principled in their official interactions and to act in good faith in these matters with others both within and outside the Middlebury community. They should act with due recognition of their position of trust and loyalty with respect to the College and its students, fellow employees, research sponsors, and donors. When in doubt about the propriety of a proposed course of action, they should seek counsel from those colleagues, supervisors, or administrators who can assist in determining the right and appropriate course of conduct.

Proper Use of College Property and Funds

Middlebury faculty and staff must see to it that College resources are not used for other than their intended purposes. College employees have an obligation to manage the institution's resources prudently, with a responsibility to those who provide those resources, including students, parents, alumni, foundations, other donors, and government agencies. Faculty and staff are responsible for safeguarding the tangible and intangible assets of the College that are under their control. College resources may not be converted to personal use, either for oneself or another person. College funds may not be used to make contributions to candidates for public office, to political parties, or to other political organizations that are organized and operated primarily to accept contributions and make expenditures for the purpose of influencing the selection, nomination, election, or appointment of any individual to federal, state, or local public office or office in a political organization, or the election of Presidential electors.

Accuracy of Records and Reporting

The records, data, and information owned, used, and managed by the College must be accurate and complete. The accuracy and reliability of financial reports is of the utmost importance to the business operations of the College. Faculty and staff must record, allocate, and charge costs accurately and maintain supporting documentation as required by established policies and procedures. All reports, vouchers, bills, invoices, payroll information, personnel records, and other essential business records must be prepared with care and honesty.

Grants and Contracts

Members of the faculty and staff requesting funding from government agencies, corporations, foundations, and other granting organizations have an affirmative obligation to make full, accurate, and honest representations concerning all relevant information submitted to or requested by the granting organization. Accurate and complete records, including supporting documentation as required by the granting organization, of the uses to which grant funds are put must be maintained.

Confidential Information

Members of the faculty and staff may be privy to confidential information in the course of their daily work. This information may relate to, among others, students, parents, alumni, donors, employees, and candidates for positions on the faculty or staff. All College employees must safeguard confidential information. This includes ensuring that confidential documents, in either paper or electronic form, are not left unattended; refraining from engaging in discussion of confidential information in forums where the information may be overheard; and protecting the privacy of past and present students, faculty, and staff by maintaining the confidentiality of student and employee records.

Conflicts of Interest

Members of the faculty and staff should avoid improper conflicts of interest that might compromise the integrity and objectivity of the College. Examples of situations involving potential conflicts of interest include working for the College as an outside vendor; using information that the College considers privileged or confidential for the benefit of a person or entity outside the College; utilizing discounts allowed to the College for personal gain; and soliciting for oneself or for a third party anything of value from any person or entity in return for any business or service provided by the College.

Financial conflicts of interest (for example, an employee's participating in the ownership or management of an entity that regularly does business with the College) should be disclosed, reviewed, and appropriately managed or eliminated. No member of the faculty or staff may approve, recommend, or promote a business transaction with a firm in which that person is an officer or senior management employee, or holds more than a 5 percent equity interest, unless such person first discloses in writing the business relationship and the circumstances of the contemplated activity to the Office of the Executive Vice President and Treasurer.

No member of the faculty and staff shall solicit anything of value in return for influencing or exercising his or her discretion in a particular way on a College matter. Faculty and staff should not accept any material gift, gratuity, or other payment, in cash or in kind, from a vendor currently doing business with the College or seeking to do so. Members of the faculty and staff may not solicit or receive discounts or rebates on goods and services offered to them in their private capacity by vendors to the College that exceed those generally available to other customers. Exceptions to this general provision include unsolicited gifts of a nominal value given at holidays, birthdays, weddings, and other commonly recognized social occasions.

Antitrust

Members of the faculty and staff may not improperly collude with other entities, including other colleges and universities, in matters affecting the financial or administrative decisions of the College.

Compliance with Laws and Regulations

Members of the faculty and staff are expected to transact College business in compliance with all federal, state, and local laws and regulations related to their positions and areas of responsibility, including, but not limited to, equal employment opportunity, fair employment practices, and nondiscrimination laws; laws regarding the privacy and confidentiality of employee and student records; and laws regarding workplace safety, workplace policies and regulations, and occupational health. Members of the faculty and staff whose programs operate internationally are expected to comply with the laws of the nations in which those programs operate, including foreign corrupt practices acts.

Obligation to Report Suspected Violations

Faculty and staff are obligated to report suspected violations of these standards promptly to their supervisor, department chair, the director of Human Resources, the controller, the dean of the faculty, or the executive vice president and treasurer. A supervisor or department chair to whom a report of a violation is made is obligated to follow up the report with the appropriate administrative authority. In investigating claims of inappropriate activities, care will be taken to maintain confidentiality. Middlebury College will protect from retaliation anyone who makes a good faith effort to appropriately disclose perceived wrongdoing. However, the College reserves the right to distinguish between retaliation and ongoing performance management related to the "whistleblower."

Consequences of Violation

Material violations of this code or related College policies and procedures will be considered under the College's established disciplinary practices and procedures for members of the faculty and staff and may carry disciplinary consequences, up to and including dismissal from employment. Such violations may also subject individuals to civil or criminal actions in state or federal courts.

Supervisor's Obligations

Individuals who supervise others should ensure that their direct reports have received adequate instruction and explanation with respect to their obligations under this code.

Demonstrations And Protests

Students, student organizations, faculty, and staff at Middlebury College are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means that do not disrupt the regular and essential operation of the College or community. At the same time, it should be made clear to the academic and larger community that students or student organizations, and individual members of the faculty or staff, speak only for themselves, not for the College as an institution, in their public expressions or demonstrations.

Middlebury College does not allow disruptive behavior at community events or on campus. Disruptions can be described as purposeful blocking the view of others at the event; banners or items that block the audience's view; noise or action that disrupts the ability of the audience to hear (e.g., shouting out or use of a bull horn).

If an event is disrupted by a group or individual, a representative of the College may request the action to stop or for the person or group to leave the event and move to an approved location for protesting. Individuals or groups who disrupt an event or fail to leave when asked are in violation of the College's policy of respect for persons and may also be in violation of the policy regarding disrespect for College officials. These violations of College policy may result in College discipline. Disruption may also result in arrest and criminal charges such as disorderly conduct or trespass.

For specific events and during specific times of the year, Middlebury College invites the public to join us at events and extends free speech and expression privileges during these events. Any individual or group who disrupts an event and is unwilling to respect College policy or to comply with the requests of College officials will be asked to leave Middlebury College property. Failure to comply may result in arrest for unlawful trespass and any other criminal violations that may have occurred.

Demonstration Regulations

Anyone who wishes to stage a demonstration or protest at any event on College property should contact and arrange a meeting with Public Safety to discuss College policy, demonstration-specific regulations, and safety issues.

The Department of Public Safety should be consulted in the planning of all organized demonstrations, in order to register the demonstration with other pertinent College offices. The desire of Middlebury College is to promote intellectual inquiry and exchange in a respectful and civil manner. The safety of all participants is of utmost importance to the College, and policies may be enacted to ensure safety during the demonstration.

Event planners in conjunction with the dean of the College, the Events Scheduling Office (Facilities Services), the speaker or performer, and the Department of Public Safety will determine the following for any demonstration approved on campus.

Location

The location of an approved demonstration will be determined following space and use guidelines for college areas managed by the Scheduling Office and the Commons Offices and in accordance with this policy.

If the demonstration is against an issue at another approved College event, the location of an approved demonstration will be as proximate to the other event as deemed appropriate considering the following:

- Nature of the other event
- Security needs of the other event
- Time of the other event
- Any other necessary considerations

The use of streets of Middlebury for parades or demonstrations is subject to town ordinance and requires a town permit.

Time and Duration

Demonstrations may not interfere with the academic and educational mission of the College. The time and duration of the demonstration will be determined with regard to the following:

- Nature of the event and/or the demonstration
- Security needs of the event and/or the demonstration
- Time of the event and/or the demonstration
- Any other necessary considerations

Manner

Demonstrations must occur in the approved defined location (if and when a location is determined.)

Demonstrations may not block access to the venue in which the other event is being held.

Demonstrations utilizing pickets, large items, bullhorns, or other loud or amplified sound making devices are usually confined to the exterior of buildings so as not to disrupt regular and essential operation of the College or create health and safety issues.

Distribution of materials such as leaflets may not be confrontational.

Organizers must remove all items and materials at the end of the demonstration.

Demonstrators are not allowed to use intimidating tactics.

Demonstrations with a noise level that disrupts other authorized activities occurring on the College campus violates College policies.

Demonstrators are not allowed the use of unwelcome physical contact between demonstrators, counter demonstrators, the audience, the speaker or performers, or College officials.

The use of chalk on exterior of buildings or other freestanding structures, or within 10 feet of any door, is strictly prohibited to prevent damage to the structure and injury to anyone stopping at entrances or exits.

Note: Any of these demonstration standards can be applied to any location including in the event space if demonstrators are allowed to demonstrate in the space.

Middlebury College Event Host

Within the guidelines of this protocol, the event hosts have the ability to determine when behavior at their event is being disruptive. The hosts should always attempt to gain cooperation by asking that the disruptive behavior stop prior to requesting that the person or persons leave the event. The hosts may also decide to contact Public Safety about the disturbance or behavior.

Public Safety

At any event Public Safety will locate the hosts before handling any situation of non-violent behavior unless the disruption necessitates action to prevent greater confrontation. Public Safety has the authority to act upon any acts of violence, threats of violence, or overcrowding without first contacting the event hosts. In all cases where time permits contacting the event hosts, Public Safety will contact the event hosts to determine if the behavior is in fact disruptive to the event. If Public Safety has been contacted by the hosts and asked to deal with a person or persons creating a non-violent disturbance, Public Safety will always start by asking the person or persons to stop the disruptive behavior prior to asking that the person or persons leave the event.

Environmental and Sustainability Policy

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

The above statement was prepared by the Environmental Council and was endorsed by the Middlebury College Board of Trustees in May 1995. Since then the College has demonstrated through many actions that it accepts this challenge and that it is looking both internally and externally at how it can continue to lead in this area. The Environmental Council has developed the following

revised mission statement, which has been endorsed by the College administration, to reflect our renewed commitment to leadership in achieving a sustainable future:

These values, and the pursuit of sustainability, are a systemic part of the vision and operation of Middlebury College. A sustainable world is one that is: "delightfully diverse, safe, healthy and just – with clean air, soil, water and power – economically, equitably, ecologically and elegantly enjoyed" (McDonough). Sustainability challenges us to address complex problems, both in the curriculum and in our life as citizens in a globalized world including the following:

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

As a College we are committed to achieving our sustainability goals through how and what we teach, how we operate, open dialogue, carefully considered risk, and learning from our successes and failures. Our objectives are:

- achieving and maintaining carbon neutrality by 2016 through conservation and efficient use of energy, renewable resources, and, as a last resort, purchasing carbon offsets;
- assessing and improving our environmental, economic and social performance with tools that provide a useful measure of progress toward ecological resilience, economic prosperity, and social equity;
- integrating environmental concerns and sustainable development principles into all planning and design decisions, which includes evaluating entire life cycles of products (e.g. the energy and source and type of materials used in manufacturing and use);
- including consideration of sustainability in the maintenance and management of our infrastructure and lands;
- working towards a campus and region that provide convenient public mobility and less reliance on single occupant automobiles;
- making environmental, socially equitable, and fiscally responsible purchasing choices;
- supporting the local economy and community through sustainability education, purchasing, further development of local food production capacity and provisioning, and other College operations;
- encouraging and facilitating research on sustainability while maintaining support for existing campus sustainability programs;
- supporting initiatives of students, faculty, and staff to achieve our goals,
- ensuring that academic, co-curricular and institutional training programs enable students and employees to develop a sustainability ethic with a perspective on the connections between local actions and global consequences;
- utilizing the extended Middlebury network around the globe to build vibrant communities of people who are informed and actively engaged in solving the ecological, economic and social challenges of their communities; and
- challenging every College member to:
 - bring their sustainability values into other communities to which they belong, through activities including teaching, learning, working, research and discussion; and
 - respect nature, contribute to human society and the intricate interrelationships on which our lives depend.

Thermal Comfort Policy

The following is language from 2007-2008 handbook.

2008-2009 updates are pending (2-July-08).

A. Natural Cooling Measures

1. General Guidelines

Middlebury College recognizes that thermal comfort is important for both health and productivity of its students, faculty, and staff. During sustained period of high heat and humidity (defined here as two or more consecutive days of outside temperatures above 90° Fahrenheit and relative humidity of over 60%) certain measures may have to be taken to protect the health of students, faculty, and staff as well as to create a minimum thermal comfort that enables the campus community to work effectively. Of these measures air conditioning is the most costly solution in terms of both real dollars and environmental impact.

The College commits to retrofitting existing spaces with heat load reducing mechanisms prior to introducing mechanical cooling to a space. The College will use mechanical intervention for cooling and humidity control only when natural methods and retrofits to minimize solar radiation intrusions and other heat created by equipment, machinery, and human activity are proven to be inadequate on an on-going basis.

Examples of natural methods and retrofits could include:

- Effective window shades
- Awnings (although this may not be aesthetically appropriate)
- Installed ceiling fans
- Improved cross ventilation
- Improving external fresh air flow into closed interior spaces

2. Measures to Increase Thermal Comfort During Sustained Periods of Extreme Heat

The College encourages supervisors to exercise flexibility in assisting employees in finding adequate working conditions during periods of extreme heat.

During such periods:

A "relaxed dress code" will be in effect. All college staff, as well as faculty and students, are encouraged to wear light, well-ventilated, appropriate attire.

Wherever possible, flexible work schedules should be implemented, allowing employees to report to work 1-2 hours early and leaving earlier to avoid the maximum heat period during the middle and late afternoon.

Wherever it is not imperative that staff remain at their desks at all times, supervisors will permit them to take their work and move to a "cool area" - a naturally cooled or air conditioned space either in the same building or in a proximate one. Similar "cool areas" will be established in, or proximate to, student dormitories and classroom/office buildings.

Employees working in spaces that cannot be cooled by using natural cooling methods and fans (e.g. because they have no windows or no or inadequate cross-ventilation) and where installing air conditioning units is not a reasonable option will be permitted to take an extra morning and afternoon break in a "cool area". On rare and extreme occasions, should the temperature in such a space rise to a point where productive work is no longer possible, and the worker(s) impacted cannot move to cooler work areas, supervisors should dismiss affected employee(s) after midday under these extreme conditions and report this occurrence to Human Resources. Human Resources will then bring this to the attention of Facilities Services. In these cases employees will not be required to use CTO time. There will be certain exceptions to this recommendation, due to the critical nature of particular employees' job functions which does not allow them to leave their post.

All offices that are not air conditioned will be supplied efficient floor, window, oscillating, and/or ceiling fans, as well as blinds or shades upon request. Facilities Services will determine which cooling method is most efficient for each space.

The designated sections of the air conditioned dining areas should be made available all throughout the day for studying, if needed.

B. Air Conditioned Spaces

1. General Guidelines

The College will use mechanical cooling for cooling and humidity control only when natural methods and fans are proven to be inadequate.

The air conditioning set-point will be 78° Fahrenheit.

Mechanical cooling (air conditioning) in existing structures as well as renovations to or construction of future buildings is restricted to the following categories:

- Laboratories or parts thereof that cannot function without a controlled environment (including animal labs).

- Large scale computer, printing, radio and other electronic equipment rooms. These kinds of rooms may need cooling both to enable people to work in an area where excess heat is generated by multiple pieces of equipment and to ensure that the operation of the equipment itself is not negatively impacted by excess heat.

- Special collections of books, films, photographs and art as well as musical instruments sensitive to changes in humidity or temperature.

- Certain academic, social, and dining spaces (including Ross, Atwater, and FIC) used regularly by the College during the summer, where function and equipment makes natural ventilation techniques impractical.

- Prime summer study locations capable of comfortably accommodating a large number of students, faculty and staff (Bicentennial Hall, Grille, Library), once it has been established that other measures are not sufficient in cooling down the room to a reasonable temperature.

- Classrooms, study lounges, and work spaces where the thermal comfort zone is exceeded on an ongoing basis.

- Spaces where natural ventilation is impacted by construction noise and dust, or exaggerated and on-going external noise clearly impacts occupant productivity. (Such spaces will be considered as requiring temporary mechanical cooling, which will be discontinued with the cessation of the external impact).

2. Policy on Air Conditioning College Spaces

Residential Spaces

Residential space will not be air conditioned except for those accommodations approved by the Americans with Disabilities Act (ADA) Committee and/or the standing Air Conditioning Committee.

Students or faculty of the summer language schools, as well as their family or guests may not bring and install their own window units except for units installed for health reasons as certified by the ADA Committee or the standing Air Conditioning Committee based on consultation with the college physician where necessary. This restriction is necessary since the purchase of the unit does not pay for either the operating costs or the environmental damage caused by it. Most importantly, the existing electrical wiring in some of Middlebury College's older buildings may not support the load increase caused by large numbers of window units. Window units installed without permission will be removed by Facilities Management.

In the event that nearby construction or noise makes it unsuitable to open windows in the summer months, window air conditioning units will be considered. Permission to use these units is restricted to the time construction is ongoing and does not extend beyond this period or into any of the following summers.

Classrooms and Lecture Halls

The College is committed to providing a thermal controlled learning environment. Classrooms and lecture halls that cannot be sufficiently cooled down by means of natural ventilation and fans will be air conditioned as deemed necessary by Facilities Services and the dean of the language schools. In addition, the College provides "cool areas" for study and recreational purposes.

Staff and Academic Offices

In general, office spaces will not be air conditioned. The exceptions to this are those offices that are in a building with central air conditioning, or those offices that meet the specific criteria (i.e., equipment, construction, etc.) identified above. Offices that are not currently air conditioned will be surveyed by Facilities Services to assess what additional non-air conditioning measures could be added to these spaces (i.e., improved shades, ceiling fans, etc.) to improve thermal comfort. Spaces that have been air conditioned with window units in past summers will be reassessed to ascertain if air conditioning is absolutely necessary or if other means of cooling may be sufficient.

Academic and office spaces with central air conditioning will be enabled to operate only during the summer language school months of June, July, and August (except for spaces with inoperable windows, such as Bicentennial Hall). The cooling temperature will be maintained at a range between 75°F and 80°F with a target cooling temperature of 78°F. Exceptions will be made only for the purpose of using central air conditioning to protect equipment and collections, as outlined above.

Faculty or staff of the summer language schools may not bring and install their own window air conditioning units except for units installed for health reasons as certified by the ADA Committee or the standing Air Conditioning Committee based on consultation with the college physician where necessary. This restriction is necessary since the purchase of the unit does not pay for either the operating costs or the environmental damage caused by it. Most importantly, the existing electrical wiring in some of Middlebury's older buildings may not support the load increase caused by large numbers of window units.

Social and Recreational Spaces

Many of the social and recreational spaces on campus do not need to meet the same comfort criteria as academic and office spaces since the use of such space is voluntary. Those social and recreational spaces equipped with central air conditioning will be enabled to operate only during the summer language school months of June, July, and August (except for spaces with inoperable windows, as well as some dining halls where air conditioning may be needed for very hot days in September). The cooling temperature will be maintained at a range between 75°F and 80°F with a target cooling temperature of 78°F. If social and recreational spaces are centrally air conditioned due to unacceptable heat loads from building machinery, the chillers will operate based on outside temperature. A temporary air conditioning unit will only be considered to cool social and recreational spaces if nearby dust or noise from construction makes it unreasonable to open windows during the summer months.

C. Policy Implementation

Facilities Services will oversee the implementation of Middlebury College's Thermal Comfort policy.

Facilities Services and the Office of Environmental Affairs will maintain a web page on strategies for keeping oneself and one's workspace or residential space cool during summer's hottest days. For areas that are currently not air conditioned, Facilities Services will seek to employ measures to minimize the solar and mechanical heat load of the building as discussed above. Mechanical cooling will be considered only after room and ceiling fans, insulation, shades, awnings, and security measures for nighttime air flushing prove ineffective in lowering the temperature to the thermal comfort zone defined by ASHRAE. It is the responsibility of those impacted by unreasonable thermal conditions to report such situations to Facilities Services either directly or through one's supervisor, faculty or language school coordinator.

Air conditioning will be considered only after room and ceiling fans, insulation, shades, awnings, and security measures for nighttime air flushing prove ineffective. Special consideration should be given to those employees who cannot leave their post even during periods of extreme heat because their job function is critical to the operation of the college.

For spaces that are centrally air-conditioned, the temperature and humidity in the space will be controlled by Facilities Services. Spaces with manually controlled window air-conditioners, occupants will be requested to comply with set-point limits identified by Facilities Services (78°F) as well as good practices (i.e., when the unit is on, other windows are shut and window shades drawn). In special cases, window units may be hooked up to the central control system and regulated directly by Facilities Services.

Requests for accommodation from students based on a qualifying disability should be submitted to the ADA Coordinator and should be in accordance with the ADA Policy at Middlebury College. All requests of this nature will be reviewed by the ADA

Committee who shall determine the student's eligibility for accommodations under the ADA. Permission to operate a window air conditioning unit based on a qualifying disability will require the support of the ADA Committee which may require a medical consultation between the student's health care professional and the college physician. If both requirements are met, the ADA coordinator, in consultation with an appointed member of the standing Air Conditioning Committee, will determine and facilitate with the appropriate accommodation.

Requests for accommodation from students based on a medical need that does not fall under the ADA guidelines should be submitted solely to the standing Air Conditioning Committee. These requests must be accompanied by a letter from a qualified physician documenting:

1. the special medical condition requiring constant air conditioning in a climate like Vermont's (with a typical maximum of no more than 5 consecutive days of extreme heat each summer)
2. an explanation of the medical need for constant air conditioning along with an explanation of the medical dangers incurred if air conditioning is not provided
3. the expected duration of the medical condition, and
4. plans for reassessment of the medical condition at a future date (if the student is returning to campus for more than one summer).

The standing Air Conditioning Committee, or an appointed member of the committee, in consultation with the College physician, will then determine if there is a documented medical need, and, if there is, facilitate with the appropriate accommodation.

The standing Air Conditioning Committee reserves the right to ask the person making the request to obtain a second medical opinion from another qualifying physician at the requestor's expense.

Requests from faculty and staff should be submitted to the Human Resources manager of employee relations, who, in consultation with an appointed member of the standing Air Conditioning Committee, will determine the appropriate accommodation.

All requests for air conditioning based on these or any other contingencies not covered in this report will be adjudicated on a case-by-case basis by the standing Air Conditioning Committee consisting of one of the associate deans of the faculty, the director of facilities services, and the operations manager of the language schools, who will make their decisions in consultation with the College physician (as needed), the director of environmental affairs, and the director of the budget office.

Smoking Policy

Middlebury College seeks to maintain a healthy, comfortable, and productive work environment. In addition, the College must remain in absolute compliance with fire and safety regulations. The College seeks also to comply with the laws of the State of Vermont governing smoking in public areas. Vermont law prohibits smoking in most public places. The Middlebury College workplace is a smoke-free environment. In compliance with state regulations, all areas in the College are smoke-free. Furthermore, smoking is prohibited in all residence halls, including the small houses occupied by students.

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

Scheduling Policies

EVENTS SCHEDULING

The **Events Scheduling & Information Office** reports to general administration. This office is responsible for handling event requests from all College departments, administration, staff, and faculty, and from non-College groups. Contact this office if you wish to schedule room/space and time assignments for any events that are not course-related activities as described under 'Course Scheduling' above. These events include the following:

- lectures, screenings, and academic events that are open to the campus or the public (not restricted to student members of a course/class, even though it may be required for a course/class)
- symposia
- candidate 'job talks'
- dinners and receptions
- meetings
- department meetings and retreats
- conferences and workshops

Additionally, the Events Scheduling & Information Office is responsible for communicating events information to the campus.

STUDENT EVENTS

The Center for Campus Activities and Leadership (CCAL) and the Commons offices handle all student requests for use of space. Student organizations schedule spaces through CCAL while lounges and other residential spaces are reserved through the related Commons office. The offices should be provided a written description of events, equipment to be used, refreshments to be served, and the name(s) of the person(s) in charge. Requests for use of the McCullough Student Center must be placed through CCAL.

BLACK-OUT PERIODS AND GREY-OUT PERIODS

Certain times of the year have been designated by the College as periods when campus facilities are deemed unavailable and cannot be reserved. Consequently, events cannot be scheduled during these time periods. Generally, these are periods when standing College events occur which take priority over ad hoc events; when College staff is unavailable to support events on campus because of peak workload; or when College staff is unavailable to support events on campus because of planned 'downtime' in support services departments.

Black-out Periods: Scheduling of events on campus is prohibited for all groups, both College groups and non-College groups. This includes Bread Loaf campus. (small College meetings and department meetings are permitted).

Grey Out Periods: Scheduling of non-College events or events by non-College groups is prohibited. Scheduling of College events on campus by College groups is allowed (if support services are available). This includes the Bread Loaf campus.

Designated Black-out Periods and Grey-out periods are outlined below in this policy. Additionally, there may be special College celebrations or commemorative events which only occur in one year (i.e., dedication of a new building), that will be designated as a Black-out period for that year. The list of specific dates for all Black-out and Grey-out periods each academic year is maintained by the Events Scheduling & Information Office.

Black-out Periods:

- Fall Orientation Days
- October Break
- Thanksgiving Recess
- December Holiday Break (the day after the last day of finals, through January 1)
- Spring Break
- Senior Week
- Commencement/ Reunion/ start of 9-week LS session
- Day of Language School Commencement
- Week after Language Schools Commencement (7 day period following commencement)

Grey Out Periods :

- February Orientation Days
- Last Week of August
- Fall Family Weekends
- Clifford Symposium
- Homecoming
- Winter Term Break / Spring Term Orientation
- Winter Carnival
- NESCAC/NCAA Championships
- Campus Preview Days
- Last week of June (7 calendar days preceding the opening of the six-week Language Schools)

Partial Grey-out Period :

- Trustee Weekends (Thursday and Friday, plus Saturday morning)

College events may be scheduled during Trustee Weekends except for the following venues: Kirk, Redfield Proctor, Old Chapel, Hepburn Lounge, Gifford Annex, Great Hall, Hadley Barn, Bread Loaf (for October meeting).

USE OF COLLEGE FACILITIES BY NON-COLLEGE GROUPS FOR NON-COLLEGE EVENTS

The campus facilities of Middlebury College exist to support the College's mission as a residential liberal arts institution of higher education. The primary purpose of the College's facilities is to provide venues for the many curricular and co-curricular activities which are part of the vibrancy of a residential liberal arts college. When possible, Middlebury College may also make some of its facilities and grounds available for use by non-College not-for-profit groups under the following guidelines and conditions:

1. The organization must be a not-for-profit as defined by the IRS Code or not-for-profit in spirit.
2. Generally, not-for-profit groups that are based in Addison County or that provide substantial services to the residents of Addison County, are given priority for the use of available College facilities or grounds, over non-Addison County groups.
3. Non-College groups, organizations or events may not use College facilities and/or grounds for private or personal gain or profit, or for activities that are not complementary to the mission of the College. The College reserves the right to prohibit or cancel any event, without notice, if it deems the event contrary to the mission of the College.
4. It is not required that a non-College group have a sponsor within the College in order to request use of College facilities. However, any College department that wishes to be designated as a 'sponsor' for an event by a non-College group, must contribute some funding to cover a portion of the fees charged to the group by the College for use of facilities and media services. Generally, this portion will be approximately 25%; but will be determined by the Events Scheduling & Information Office in consultation with the department. A College individual may not be designated as a sponsor for a non-College group. Only College departments may provide sponsorship.
5. Use of College facilities for personal use by private individuals, is only permitted for College-affiliated individuals. College-affiliated individuals are defined as student, parent, alumnus/ae, faculty, staff, or trustee.

Use of College facilities for a personal event by a College-affiliated individual is regarded as a 'non-College' event, and is subject to the requirements of this policy, and of the *Black-out and Grey-out Period* policy, as a 'non-College' event.

6. All non-College event requests should be directed to the College's Events Scheduling Office, and the Events Scheduling Office will determine: eligibility of the requesting group; whether the date requested is available; whether space and support resources are available for the event, and the appropriate space/facility for the event.

Exceptions:

- a) For use of athletics facilities for athletic events, requests should be made directly to the Athletics Department. Note: only athletic events or athletics-related events can be scheduled for any facilities or rooms in the athletics complex.
- b) For CFA facilities for performance arts events, requests should be made directly to the Center for the Arts (CFA).
- c) For use of Mead Chapel, requests should be made directly to the Chaplain's Office.

Requests for scheduling an event by a non-College group may be approved only if space and services are available. Middlebury College needs and events take first priority.

7. Non-College events may not be scheduled more than 6 months in advance. (Exception: wedding / civil union ceremonies or receptions for College-affiliated persons may not be scheduled more than 12 months in advance. Also see section under 'Wedding ceremonies or Civil Union ceremonies at Mead Chapel').

8. Middlebury College reserves the right to cancel any non-College event, up to 60 days in advance of the event, if necessary to accommodate a College event. (Exception to this cancellation period: weddings or civil union ceremonies or receptions can be cancelled up to 9 months in advance. Also see the [website of the College Chaplain's office](#) for policy on ceremonies scheduled for Mead Chapel.

9. Normally, non-College groups may not schedule events on a regular basis; i.e. no more than two consecutive events; and, for annual events, no more than two consecutive years. It is intended that this practice will allow for a wider range of organizations to be able to use College facilities over time. Non-College groups are discouraged from requesting College space for standing/periodic meetings (i.e. monthly business meetings) as there are other local and regional facilities available for this type of event.

10. When a request for using a College facility is approved by the College Events Scheduling Office, a representative from the non-College group must submit the following documents to the office:

- » a *Letter of Agreement* provided by the College Events Scheduling & Information Office;
- » a *Hold Harmless Agreement* form provided by the College Events Scheduling & Information Office; accompanied by proof of adequate insurance (as defined by the College's Director of Business Services)

11. Middlebury College service providers such as Dining Services, Facilities/Custodial, Media Services, Reprographics, etc., have the right of first refusal when non-College events are scheduled on campus property. This means that non-College events are required to use College service providers unless the service providers indicate they are unavailable. When unavailable, College service providers have the option of using outside vendors to meet the needs of the requester. For catering, Dining Services will provide the requester with a list of approved non-College caterers who meet the requirements outlined by the

College risk management office. In all cases, Middlebury Dining Services, not the requester, makes the decision regarding whether outside vendors can be used. Planners for events using outside service providers will be required to provide a deposit for the event. If alcohol will be served, Middlebury Dining Services will be required to hire a College-trained bartender/server and the cost passed on to the requestor, unless the outside service provider has their own liquor license.

12. Effective January 1, 2004, a fee will be charged for facilities used for non-College events:

a) Not-for-profit groups or organizations: Non-College not-for-profit groups will be charged a fee for the use of College facilities and/or grounds for their event. This fee does not cover the full cost to the College for providing staff, utilities and equipment needed to make the space available; but only partially defrays the additional costs of staff labor and facilities maintenance. Typically, the fee relates to the partial costs associated with use of the space and provision of normal services provided by Facilities/Custodial, Public Safety, and Media Services needed to make the space available for the event. An event that uses media equipment or technology such as computers, video/film projection, or sound systems, will typically require College technical staff support and therefore will be charged an additional technology fee per hour for the duration of the event. Catering services provided are also at an additional fee per the contract provided to requestor by the College's Dining Services department.

Note: Some non-College (not-for profit) organizations are engaged with the College in significant collaborative programs or longstanding mutual work relationship. For these organizations, the facilities fees may be waived. This determination is made by the College. However, special needs for media equipment and technical support, or for catering, will be charged a fee.

b) For-profit groups or organizations: Generally, for-profit organizations or groups may not schedule events in the College's facilities and grounds. Exceptions may be made by the by the executive vice president and treasurer. In the case of an exception, the for-profit group will be charged the full cost of the space and services provided by the College for the event, which is more than the fee charged to not-for-profit groups.

c) Employees of the College: College employees may submit a request to reserve College space for their personal use for a special event if the requested space is available and if the event does not detract services from other College sponsored events. Approval is required from the Events Scheduling Office.

A facilities fee, reduced for employees, will be charged to the individual - consistent with the use of the requested facility. This special reduced-fee consideration is for employee personal use only, and does not apply to requests for space by a non-College group of which an employee is a member. In this case, the non-College group must submit a request through the normal process as described above in this policy. An event scheduled by an individual employee or other College-affiliated individual for personal use is considered a 'non-College' event, and is subject to the same requirements of this policy, and of the *Black-out and Grey-out Period* policy, as a non-College event.

Fees for use of College facilities are assigned by the Events Scheduling Office, based on a fee schedule established by the College which considers: the facility used for the event; the size and duration of the event; and the support staff and College resources need to set-up and provide the facility. Modification of fees requires the approval of the executive vice president and treasurer.

13. The College maintains certain times of the year when non-College events cannot be scheduled. A 'black-out' period is a time period when no events whatsoever (neither College or non-College) can be scheduled other than the programs/events that are specifically featured by the College at that time (i.e., Commencement). A 'grey-out' period is a time period when internal College events may be scheduled, but non-College events may not be scheduled. (see policy *Events Scheduling: 'Black-out Periods and Grey-out Periods'*). The Events Scheduling Office operates under this black-out / grey-out policy, and maintains the list of these specific dates for each year. All College facilities (including athletics facilities, CFA, Mead Chapel, Bread Loaf, Commons, etc) are subject to this policy.

Wedding Ceremonies or Civil Union Ceremonies at Mead Chapel

College-affiliated individuals may request reservation of Mead Chapel for their wedding ceremony or civil union ceremony, by submitting their request to the College Chaplain's Office. This request may be submitted no more than 18 months in advance of the requested date, but will not be confirmed by the Chaplain's office until 12 months in advance of the requested date. Please reference the [Chaplain's Office website](#) for information regarding fee and process for submitting a request. Requests to schedule an event in Mead Chapel should be directed to the Chaplain's Office. Use of Mead Chapel is generally intended for use by College-affiliated individuals. College-affiliated individuals are defined as student, parent, alumnus/ae, faculty, staff, or trustee. Requests from non-affiliated individuals may be considered at the discretion of the College Chaplain.

Facilities available for use by non-College groups (not-for-profit groups)

Generally, only the following facilities may be made available for non-College events:

- Kirk Alumni Center;
- Twilight Auditorium (during non-class periods);
- facilities on the Bread Loaf campus (seasonal);
- a limited number of small classrooms and seminar rooms (during non-class periods).

Some athletics facilities for athletics events may be available at discretion of the Athletics Department. Some CFA facilities for

performance events may be available at the discretion of the Center for the Arts administrator. Mead Chapel may be available at the discretion of the Chaplain's Office.

Athletics Facilities

For Athletics Complex Information call extension 5250

Who May Use Facilities: Only Middlebury College students, faculty, staff, and alumni ID card holders may use the athletic facilities. Middlebury College Courtesy Card holders may only use the athletic facilities (no guests). *Guests may accompany ID card holders on a one-on-one basis only.*

Children, age 15 and younger, of faculty and staff must be accompanied and supervised by an ID card holder and may use the facility during off-peak times only. (Peak times are Monday-Friday, 3:00 p.m. to 7:00 p.m.) Children of faculty and staff age 16 and older may use the facility during off-peak times by showing their parent's College ID and proof of their own identity to the monitor at the front desk. They may not bring guests.

When classes are in session, from 3:00 p.m. to 7:00 p.m., Monday through Friday, the use of the facilities is for Middlebury College students, faculty, and staff ID card holders only. No alumni, guests, or faculty/staff children may use the facilities during these hours.

Memorial Field House (Nelson Recreation Center and Pepin Gymnasium), Fitness Center, Natatorium, and The Bubble Field House (indoor track, squash and tennis courts)

General hours of operation when College is in session are available on-line at <http://www.middlebury.edu/athletics/facilities/>

Specific weekly and daily schedules are posted weekly on the College's Web site and in each area. Facility use may be pre-empted for varsity team practices during fall/spring inclement weather. There are limited hours during College exam periods and recesses.

Chip Kenyon '85 Arena

Tentative availability of ice in the Arena: (Early October – Last day of class before Spring Break - Official hours to be posted in late September)

Parking: Parking for faculty, staff, and guests is available in front of Memorial Field House or in the Fletcher/Kenyon lot. Parking behind Memorial Field House is reserved for physical education faculty and staff. Students must park in student spaces in the Fletcher or Kenyon lots.

Entrance to Facilities: Enter indoor athletics facilities through Kenyon Arena entrance or Memorial Field House second-floor entrance.

Monitors: Student and adult monitors supervise the use of the facilities. They have been instructed not to admit anyone without an ID card except a guest accompanying an ID card holder or an official guest of the College. Please report any problems to the monitors and cooperate with their requests.

Court Reservations: Only students, faculty, and staff with active MiddCards may reserve Fletcher tennis and squash courts. These reservations may be made in person or by telephone through the monitor at the front desk at ext. 5250. Reservations may not be made more than 24 hours in advance. Your ID card number and the name of your partner(s) must be given to the receptionist.

Locker and Equipment Issue: Locks and lockers are available to students (no fee), faculty, and staff (a fee of \$10 per academic year) at the equipment room located in the lower level of Kenyon Arena. Open: Monday-Friday, 9:00 a.m. to 5:00 p.m.

Location of Additional Athletics Facilities

- Outdoor tennis courts, south of Proctor Hall
- Dragone Track, Kohn Field (All-weather field), behind Memorial Field House
- Platform Tennis Courts, behind Nelson Recreation Center
- Long playing fields, located east of Alumni Stadium
- Baseball (Forbes Field) and softball diamonds, across South Street adjacent to Porter Hospital
- Ralph Myhre Golf Course, route 30, adjacent to Kirk Alumni Center
- John "Red" Kelly Cross-Country Trail, circling the golf course
- Middlebury College Snow Bowl, Route 125, near Bread Loaf Campus
- Carroll and Jane Rikert Ski Touring Center, Bread Loaf Campus

Anyone found abusing or using the facilities without authorization will be restricted from further use of the facilities.

Bookstore, Mail & Printing Services (Reprographics)

Middlebury College Bookstore

Proctor Hall Lower Level
Extension 5334
<http://bookstore.middlebury.edu>

The Middlebury College Bookstore is open from 8:30 a.m. to 5:00 p.m., Monday through Friday. Saturday and Sunday hours vary and will be posted at the entrance to the store or e-mailed for special events. Middlebury College Virtual Bookstore is open 365 days a year 24/7 at the above link where you can order Middlebury imprinted clothing and gift items.

The Bookstore is owned and operated by Middlebury College, and the store staff are Middlebury College employees. Any revenues earned by the Bookstore are used to cover operating expenses, and any remaining profits are placed in the general fund of the College to offset other College expenses.

All items, including textbooks, are sold at or below the manufacturers or wholesaler's suggested retail prices. Used books are sold at 25% less than the new price. The store will not knowingly sell above suggested retail prices. Buy and recycle your books here and help the College reduce our carbon footprint.

Required textbooks and course supplies are available at the store both new and used, and now digital textbooks on some titles. We have a wide variety of other books, supplies, and Middlebury clothing and gift items.

We accept cash, checks, and Visa/MasterCard as forms of payment. The Bookstore has Gift Cards available to purchase for family and friends. Join our Customer Loyalty Program and earn points toward discounted and free merchandise.

The Bookstore buys back textbooks daily. When you are finished with your book bring it to the Bookstore and we can determine the current buyback value for your book. The best time to sell your books for the most money is during finals week each semester, when we will then be buying books for the upcoming term. During the semester we offer a wholesale price for your books if a wholesale value is available.

The Bookstore welcomes suggestions, comments, complaints, and questions, which should be directed to the store manager. Input from the community is helpful to the staff in its continuing efforts to improve both service and the selection of products offered.

Join us on [Facebook and Become a Fan & Friend of the Bookstore](#) and you will qualify for future promotions, discounts, events, and groups.

The Middlebury College Bookstore also operates the Monterey Virtual Bookstore: <http://bookstore.mjis.edu>.

Mail Services

Student Mail Center, McCullough
Extension 5179
Mailing Service, Lower Forest East
Extension 5170

Middlebury College maintains a campus system for the pickup and delivery of U.S. Postal Service mail and interdepartmental correspondence, as well as a mailing service, which assembles and processes all classes of mail into the U.S. Postal Service system, along with package shipping via United Parcel Service. Urgent items are sent via Federal Express, UPS next day, or U.S. postal express. The Student Mailroom does not save magazines over the summer break.

Student Mail Center, McCullough

Hours: Students have access to their boxes from 7:00 a.m. to midnight daily. The business window is open:
Monday-Friday 9:00 a.m. - 4:00 p.m.
Saturday 9:00 a.m. - 10:30 a.m.

We strongly encourage students to close and lock mailboxes to avoid theft.

Postage Stamps

Students, faculty, and staff may purchase postage stamps for their personal use at the College Store or MiddExpress.

Incoming and Interdepartmental Mail

The Student Mail Center receives and distributes U.S. Postal Service mail, UPS packages, and items delivered by various other courier services. It is also responsible for the pickup and delivery of interdepartmental mail. Items addressed to faculty and staff are delivered to designated locations daily, Monday through Friday, as scheduled by the Mail Center supervisor. On campus mail delivery and pick up will occur once a day except for the following buildings: Emma Willard, Meeker House, Munford House, Service Building, Sunderland, and Old Chapel.

Students' mail and packages are delivered to their boxes in the Mail Center.

On-campus mail should bear the person's name, box number or department, and building. Incoming U.S. mail should bear the full address:

Name
MC Box # *or* Department *and* Building
Middlebury College
Middlebury, VT 05753

Mail Forwarding and Handling Procedures

Student Mail

Academic Year Breaks: First-class and parcel-post mail and magazines will be held. Newspapers and catalogs will be recycled.

Summer Break: First-class and parcel-post mail will be forwarded. Magazines, newspapers, and catalogs will be recycled.

Departure from Campus: First-class and parcel-post mail will be forwarded for one year. Magazines, newspapers, and catalogs will be recycled.

Items delivered by services other than the U.S. Postal Service will be accepted and held during academic year breaks but will be refused and returned to the sender, with the recipient's home address noted on the package, during summer break and after departure from campus. (*Exception: Packages are held pending the arrival of new or returning students.*)

Faculty/Staff Mail

Mail received for a person who has terminated or is on leave should have the forwarding address put on each piece and be deposited in the outgoing mail. Do not batch these pieces in one large envelope for which additional postage must be paid. When you know the forwarding address, contact the Mail Center supervisor who will give you a supply of preprinted labels.

It is the responsibility of each individual to inform his or her correspondents and publishers of a change of address, whether permanent or temporary.

Mailing Service, Lower Forest East

Outgoing Mail and Packages

Mailing Service processes all outgoing mail for the College, eliminating the need for postage stamps. All mail to be metered should be bundled, with foreign (including Canada) and Middlebury mail on top. The departmental Index to be charged should be marked in the upper right corner of the first piece in each bundle. Bundles should be securely banded. Keep interdepartmental and stamped mail separate from mail to be metered. Only mail pertaining to College business can be processed through the postage meter. Personal mail should bear postage stamps purchased by the sender. All mailings that require labeling, inserting, and/or bulk mail processing should be scheduled with the manager of Mailing Service. Packages related to College business can be shipped via UPS during regular business hours. Personal packages can be brought to Mailing Service from 8:30 a.m. to 2:30 p.m. You must pay for this service with a MasterCard or Visa card. No cash will be accepted.

Faculty members who are officers of legitimate professional academic organizations may use the College Reprographics and Mailing Service for the organization's official business (e.g., preparing mailings, etc.). College business always takes priority, however, and all work should be planned well in advance. Organizations will be billed through the Middlebury faculty member, who must be authorized to obligate the organization.

Mailing Service offers end of year shipping in May at a designated location which will be published the first week in May to all students.

Printing Services (Reprographics)

Forest Hall
Photocopy Services: Extension 5175
Printing Services: Extension 5178

Photocopying and printing take place in the Reprographics facility located in Lower Forest East. Preparation services include artwork, disk conversion, and layout. Production is performed on a variety of photocopiers, both color and b&w, offset presses, and folding and binding equipment. We strongly recommend calling ahead before placing an order. College departments are requested to honor necessary lead times for services at least two days for routine photocopy services and one to two weeks for printed materials. Normal charges for provided services will be assessed to user departments throughout the year.

Identification Card (MiddCard) and Photo Policies

The MiddCard is a personal identification card with a picture. It allows students, faculty, and staff specific privileges. Middlebury College shall be responsible for storing the photo electronically and will only use the photo for official college business.

Student photos taken shall be maintained by the College as part of the student's record and are considered personally identifiable information under FERPA.

Employee photos shall be maintained as part of the employee's employment record.

Members of the College may choose to place their college photo with their listing on the college's Web directory. Each person is individually responsible for adding his or her photo to the directory. For information on this process, see <http://go.middlebury.edu/dir?help> or contact LIS.

Midd Card Privileges and Information:

Student

Open access to all dining halls
Admission to athletic facilities during posted hours
Admission to campus events
Campus library book and materials loan privileges

Faculty and Staff

Admission to athletic facilities during posted hours
Admission to campus events
Campus library book and materials loan privileges

All students must have a MiddCard. All employees of Middlebury College are eligible for an identification card, called a MiddCard, which entitles the employee to certain privileges including: access to athletic facilities [during posted hours](#), discounts at the College store, library privileges, and discounts at cultural and sporting events. In addition, the card allows door access to certain campus buildings.

Spouses or domestic partners of *benefits-eligible employees* are eligible to receive a Spouse/Partner card with the same privileges as the employee card (except door access).

There is a \$10 replacement fee assessed to students who have lost MiddCards.

MiddCard holding employees and spouse/partners are entitled to a 15 percent discount on most purchases at the College Store.

The Natatorium, fitness center, and ice rink are available to cardholders during posted hours. Students have priority in the use of these facilities. The [Athletics Web page](#) explains the use of facilities and the guest limits. When there is an admission charge at campus events, the MiddCard may entitle the holder to a discount. Dependent children of current valid MiddCard holders may attend some functions if accompanied by their parent(s).

Please see the Employee benefits section of this Handbook for information on Golf Course and Snow Bowl discounts for eligible employees.

Employees must return their MiddCards to Human Resources upon termination of employment or if they lose their MiddCard eligibility. Retirees are encouraged to trade their former employee MiddCards for a retiree MiddCard.

Middlebury College reserves the right to cancel a MiddCard if the card is misused or if the status of the cardholder changes. A more detailed description of the MiddCard and its many uses is available from the Department of Public Safety.

Insurance

Middlebury College provides a level of insurance protection for employees, students, and student and College organizations while acting on behalf of the College. College coverage does not extend to persons acting on their own or acting outside of the scope of their relationship to the College. The coverage provided by the College is not a replacement for, but rather, a supplement to their own coverage. If more information is required, the dean of the faculty or designate will secure the information from the assistant treasurer on behalf of faculty. The dean of the College will secure the information on behalf of students.

The College recognizes the need for and strongly encourages individual insurance protection on the part of employees and students (or their parents) alike, in addition to and apart from any provided through the College. The College does not extend coverage/payment for damages caused by "acts of god."

Liability Protection

Middlebury College insurance policies afford protection against claims and suits as follows:

1. Instructors, teachers, professors, and all salaried employees of the College are protected by the College public liability insurance against claims for injury occurring anywhere in the world, brought against them by anyone, provided they were acting within the scope of their duties for the College at the time of the injury. Exceptions are claims arising out of the use of motor vehicles (see 2 below) and claims brought by another College employee who is acting within the scope of his or her employment.
2. All employees, all students, and all other persons are protected by the College automobile liability insurance for injury claims brought against them arising out of their use of a College-owned automobile or a hired automobile, provided the College has given permission for such use and the use is within the scope of such permission.

3. Beyond the protection set forth in 1 and 2 above, employees and students have to rely on their own individually purchased insurance for protection. In particular, employees, students, or others using their personal or a borrowed automobile (i.e., not a College-owned or hired automobile) on College business are not protected by College automobile liability insurance in the event that a claim is made against them; they must rely on their own or the automobile owner's insurance. Only the College itself is protected against claims arising out of use of such non-owned automobiles.

Protection, beyond that afforded through College insurance policies, is as follows:

1. The College requires evidence that buses and vans engaged (e.g., ACTR, Vermont Transit) are insured.
2. The dean requires each student who brings a car to College to have the minimum Vermont insurance liability requirements of \$25,000 per person, \$50,000 per accident, and \$10,000 property damage coverage.

Additional Insurance

Any vendor demonstrating or loaning to the College a product, machinery, equipment, or a vehicle shall provide evidence of insurance covering damage to and loss or destruction of that property while in our care, custody, or control.

1. Any person, club, team, or company serving alcoholic beverages on premises owned by Middlebury College or at a function sponsored by Middlebury College or any of its affiliates, whether on Middlebury College premises or not, must provide evidence of liquor liability insurance coverage with a limit of not less than \$1,000,000 per occurrence or \$2,000,000 per occurrence for events with alcohol. Snow Bowl events with alcohol require evidence of liquor liability with a limit of \$5,000,000 per occurrence. This coverage is in addition to insurance for workers' compensation, automobile, and public liability.

2. Sponsors of events on Middlebury College property may be required to provide certificates of insurance and/or hold-harmless agreements.

3. Certificates and hold-harmless agreements should be on file and, if required, verified with the agent before commencement of the work or event in question.

Further insurance information may be found at
<http://www.middlebury.edu/administration/bsnsvc/insure/>

Please direct questions to the assistant treasurer, ext. 5504.

Payments to Students (other than liability claims)

Regular Session (September through June):

1. The comprehensive fee includes a nine-month accident insurance plan for all regular full-time undergraduate students. Additional protection is afforded for students participating in scheduled intercollegiate athletic contests. (See also 5 below)
2. Regular full-time undergraduate students who do not, through their parents or otherwise, have equivalent coverage are required to enroll in the companion sickness insurance plan underwritten by the accident carrier. (See 1 above.)
3. Students enrolled in the C.V. Starr Middlebury Schools Abroad are offered accident and sickness insurance with the same carrier.
4. The sickness insurance under 2 above is for one year, beginning September 1, and, for those covered by it, extends the accident coverage to the following September 1.
5. Under the student accident policy (1 above) no payment will be made that duplicates the amount payable under another insurance policy.

Further information regarding student accident and sickness plans may be found at
<http://www.middlebury.edu/administration/bsnsvc/insure/student/>

Summer Session:

Fees include accident insurance equivalent to that available to all students under 1 above for the period of the summer session (only) of the respective schools.

Medical Payments Insurance, Motor Vehicles

Occupants of College-owned private passenger cars and, in accordance with 2 under Liability Protection above, occupants of student automobiles may be paid for medical expenses up to the limits provided by respective insurance policies whether or not these vehicles are operated in connection with College activities and regardless of liability. Many employees carry this insurance on their cars, as well.

1. No student riding in a student car or other vehicle when room for him or her was provided in a College car or bus for a College function will be covered by College insurance.
2. No student may make any arrangement for use of his or her personal car on College business other than reimbursement for mileage at the established rate. College regulations do not permit a student being placed in the position of an employee of the College.

3. A vehicle owned or hired by the College may be driven by a person other than a regular employee of the College only with the permission of the assistant treasurer or designated representative.

Need for Individual Insurance

Employees should have their own personal liability coverage to protect against risks involved in acts which might not be judged to be in the course of or pursuant to the normal duties or behavior of persons in their position. This coverage is readily available, and its cost is not exorbitant.

Property Insurance

Middlebury College does not maintain fire, theft, or damage insurance coverage for the personal property of faculty, staff, students, or guests. The theft or damage of items left in storage on College property is not the responsibility of the College. College personnel are not authorized to extend coverage for personal property without the written consent of the treasurer or assistant treasurer.

Students should remove or otherwise take actions to protect their personal property left in College buildings over breaks. Everyone is responsible for maintaining adequate safeguards for and insurance coverage of their personal property. Employees, or parents in the case of students, may have coverage under their homeowner's or renter's insurance. The College recommends checking with an insurance agent to determine the scope and limits of the coverage.

Coverage for college property has an insured deductible that is based on the insured value of the building. Buildings with a value below \$1,000,000 have a deductible of \$25,000, buildings with an insured value of \$1,000,000 or more have a deductible of \$100,00.

Parking Policy

PARKING AND VEHICLES ON CAMPUS

The Department of Public Safety has the responsibility of enforcing campus parking regulations on a 24-hour, 365 days a year basis. Middlebury College assumes no responsibility for fire, theft, or other damage to motor vehicles or their contents while they are parked on Middlebury College property.

All enrolled students (including students living off campus) are eligible to own and operate a motor vehicle at Middlebury College. Students are expected to abide by the parking rules. Repeated parking violations may result in fines, tows, loss of parking privileges and/or disciplinary action.

The following contains general parking information:

Note: The complete Parking Rules and Regulations are available at the Department of Public Safety office or at <http://www.middlebury.edu/administration/publicsafety/>

1. Permits

Parking permits are available at the Department of Public Safety. Parking permits allow for parking in designated spaces in parking lots and on roadways as assigned by permit type. Parking Rules and Regulations are provided with the parking permit. Anyone needing a parking permit must bring his/her valid driver's license and vehicle registration to Public Safety. These documents are required in order to maintain accurate records of vehicles allowed to be on campus.

Student vehicles must be registered annually with the Department of Public Safety. Students who are not enrolled must take their vehicles with them when they leave campus.

The College does not permit student-aid funds to be used to subsidize motor vehicle expenses.

All faculty and staff members are required to register their motor vehicles with the Department of Public Safety. Each faculty and staff member will be issued a parking decal for his or her automobile and be provided with information describing available Faculty/Staff parking areas.

Service Vehicles from Off-Campus

Clearly identified service vehicles do not require temporary permits even during weekdays. Examples, UPS, FedEx, Black River Produce, etc.

2. Winter Ban

The winter parking ban is in effect from November 1 through April 1. (Please note: The ban may be extended if weather conditions warrant.)

During this ban all overnight parking is restricted to student lots and spaces marked for overnight guest parking only. Violators of

the winter parking ban will be booted and/or towed and required to pay all fines and fees associated with the enforcement action. Faculty/Staff vehicles may only be parked overnight in the faculty/staff parking spaces at the Center for the Arts or behind Kenyon Arena.

3. Driving

Vehicles operated by students, faculty, and staff may be parked or driven on campus roadways under the provisions of College ordinances and Vermont laws relating to motor vehicles.

Violations of motor vehicle laws or College motor vehicle regulations that endanger the safety of others such as driving on sidewalks or failing to stop at stop signs, are regarded as serious offenses and will not be tolerated. These types of moving violations will result in a \$50 fine, payment of any damages, and may result in disciplinary proceedings and the loss of driving and parking privileges at Middlebury College. Driving the wrong direction on the roadway (hill) near Stewart Hall will result in \$100 fine, payment of any damages, and may result in disciplinary proceedings and the loss of driving and parking privileges at Middlebury College.

Note: Driving while intoxicated is a serious crime and may result in arrest by the local police, a criminal record, and court costs. Student discipline for incidents of DUI are covered in the Student Handbook under Conduct.

4. Visitor Parking - General Information

Currently there are limitations on the number of available parking spaces near the center of campus. Visitor parking is allowed in some faculty and staff lots, but the visitor may only find limited spaces available. We encourage all visitors to take advantage of available visitor parking in Q Lot at the Mahaney Center for the Arts.

a. Week Day Campus Visitor

Visitors and guests coming to campus Mon.-Fri. between 8:00 a.m. and 5:00 p.m. should display a College parking permit to avoid being ticketed. Temporary parking permits may be obtained from Public Safety.

All guest vehicles must be registered with the Department of Public Safety. Students, College offices and departments that host visitors are responsible for acquainting their guests with the parking regulations. Students are responsible for their guests' vehicles while they are on Middlebury College property. Departments hosting a special event on a weekday should notify Public Safety in advance.

Temporary parking permits are available 24 hours a day at the Department of Public Safety. There is no charge for temporary parking permits.

b. Special Events Visitor

Middlebury College often hosts events open to the public, such as concerts and athletic games. These visitors do not need to acquire a parking permit for evening and weekend events.

Event placards may be distributed for large events occurring during the day, weekend, and overnight. Placards are created by Public Safety and are handed out at event registration. Examples: Fall Family Weekend

c. Overnight Visitor or Guest

Any guest of the College or of any member of the campus community planning to park a vehicle on campus overnight must register the vehicle with the Department of Public Safety. Failure to do so may result in the vehicle being ticketed or towed. Overnight parking is available in the Mahaney Center for the Arts parking lot. Public Safety will need to see the guest's valid driver's license and vehicle registration before issuing a temporary parking permit.

d. Winter Parking Ban - Snow Removal

To ensure effective snow removal, overnight parking is prohibited in faculty and staff lots from Nov. 1st-April 1st. To prevent costly boot or tow charges, please contact Public Safety to obtain information about where your vehicle can be parked if it must remain on campus overnight.

5. Fines and Appeals

Improperly parked and unregistered vehicles will be ticketed or towed at the owner's expense. All tickets, vehicle boots, and/or tow charges must be appealed within 10 days from the date of the violation. No appeal will be accepted after 10 days from the day of the violation. Appeal forms and procedures are available through the Department of Public Safety, 125 South Main Street, or on the Web at <http://www.middlebury.edu/administration/publicsafety/>

All appeals are submitted to the Parking Appeals Committee for adjudication. The Parking Appeals Committee consists of three members, either student or staff, who are not employees of Public Safety.

Students with repeated parking violations during the academic year may be subject to the loss of parking privileges and/or disciplinary action.

Faculty, staff, and student violation fees will be billed to the person registered as the holder of the parking permit associated with the improperly parked vehicle. Fines may also be paid at the Cashier's Office in the Service Building. The complete list of violations and fine amounts are available at Public Safety and on the web site.

Pets and Animals

Companion animals are not allowed overnight in any College-owned building and may not live in residence halls. Companion animals are not allowed in offices, classrooms, or other non-residential spaces during working hours. Exceptions to this policy are sanctioned support animals for people with disabilities, such as guide dogs, companion animals living in College units rented to faculty and staff, and small animals (e.g., fish and hamsters) kept in appropriate aquariums or small cages at all times. Snakes and ferrets, even if caged, are not allowed in residence halls at any time.

Dogs visiting campus grounds shall be on a leash or under verbal control at all times. Dogs may not be left unattended or tied to any objects (e.g., structures, trees, or vehicles). All damages caused by an animal are the responsibility of the owner or guardian of the animal at the time of the damage; repairs will be billed accordingly.

These policies apply to all members of the College community. Failure to adhere to these policies may result in fines up to \$200 and other disciplinary action.

Trademarks and Logos

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

Middlebury College has obtained service mark and trademark registrations on a variety of College names and logos such as Middlebury College, Middlebury College Panthers, Bread Loaf, Bread Loaf School of English, etc.

Whenever these marks are used they should be noted as being registered marks and vendors must obtain permission to produce items bearing these marks and images. It is recommended but not required that marked or logo'd merchandise be purchased or ordered through the College Book Store.

If you are planning on using any of these logos or marks in communications please check with the Communications Office in advance.

The Assistant Treasurer and Director of Business Services Office at extension 5504 is responsible for monitoring the use of these marks and protecting the College's registrations. Should you need to obtain permission to use the College's name and images for promotional purposes, please contact this office.

Allowable Expenditure Policy

Rather than require administrative approvals for minor expenditures, Middlebury College administration would prefer to define policies regarding expenditures permitted with advance approval as well as expenditures not permitted as a guide to help budget administrators exercise restraint and good judgment in committing College funds. The College's principal revenue sources are from students (tuition, board, and room) and from donors (individuals, foundations, and industry). Increasingly, we must be sensitive to how we use these funds toward promoting the primary mission of Middlebury. Certain expenditures should not be incurred since they relate more directly to personal needs or recognition. We are conscious that our external public looks to higher education to improve its management of resources.

Listed below are expenditures that are permitted with the advance approval of Senior Budget Administrators (signature approval required on expenditure or reimbursement documents) as well as expenditures that are not permitted. In addition to the expenses listed below, it is always helpful for you to consider the worthiness of any marginally related expenses. The College is assisted in fulfilling its mission when we can direct our resources toward purposes most essential to our primary programs and services.

Expenditures Permitted with Advance Approval

Faculty and staff business meals
Departmental gatherings and retirement celebrations
Plants for office or special events
Kitchen supplies and equipment
PDA's, cell phones and pagers

Expenditures Not Permitted

Artwork for offices
 Briefcases
 Contributions (political and charitable)
 Expensive desk accessories
 Flowers (except when sent by President's Office, Dean of Faculty, Advancement, or HR)
 Holiday decorations and parties
 Memberships in non-job related professional societies
 Travel related:
 Air travel clubs
 First class/business class airfare
 Health club memberships
 Hotel amenities (movies, etc.)
 Optional conference events (golf outings, tours, etc.)
 Non-business entertainment and travel
 Payment of fines or parking tickets
 Purchase of clothing and other personal items
 Spouse related costs

Travel Policies

In general, members of the faculty and staff traveling on College business are expected to exercise the same care in incurring expense as a prudent person traveling for personal reasons. Individuals traveling on behalf of the College are expected to seek the least expensive option that allows them to do their job effectively and safely when incurring any expense that will be charged to the College.

Reservations: The College has designated two local travel agents, Accent Travel and Milne Travel, as preferred vendors for travel services. Members of the faculty and staff may make air and rail reservations using these two agencies. The preferred vendors also negotiate with major chains for preferential auto rental and hotel room rates for College personnel. Except when attending a conference through which special hotel rates are provided, travelers are encouraged to consult with the travel agents prior to making hotel or auto rental reservations. The preferred travel vendors will bill the College directly when an employee's ID number and appropriate budget number are provided to them. Travelers should be sure to provide the specific departmental or grant budget code for the trip at the time of booking.

Some travelers may elect to make their own reservations using Web-based services. Travelers choosing this course are encouraged to obtain a competitive quote from the preferred agents before finalizing alternative bookings. As always, controlling the institutional costs of College travel and maximizing budget resources should be the goal of everyone traveling on college business. Travelers booking fares independently use a personal or College credit card and submit original copies of the card statement along with accounting codes to be charged and a clear explanation of the itinerary in order to receive timely reimbursement.

Use of Personal Cars, Mileage Reimbursement, and Use of Driver Services

The College reimburses members of the faculty and staff using their own vehicles on trips for official College business on a per-mile-driven basis. It reviews the reimbursement rate annually. All requests for reimbursement must be submitted to the Controller's Office on the official expense voucher form and must be approved by the department head. The submitted forms must include details of the dates, points of departure and arrival, and miles driven.

The College anticipates that employees traveling by rail or air on College business will determine whether to use their personal vehicle or a taxi or driver service based on which will cost the least. For a short trip, employees usually will travel to departure points by personal vehicle and the College will reimburse mileage and parking expenses. For trips of longer duration, the cost of parking plus mileage may exceed the round trip cost of a driver service, in which case the latter is preferred. If a faculty or staff member chooses to use a taxi or limousine to travel from Middlebury to rail or air departures when that would not be the least expensive option, costs will be reimbursed at only standard mileage and daily parking rates as though a personal vehicle had been used.

Allowable Expenses

Allowable expenses include essential transportation and associated costs such as parking and tolls; lodging; meals for the faculty or staff member; meals for the donor/s, volunteer/s, or other individual/s whom the faculty or staff member is visiting on behalf of Middlebury; and customary tips associated with these business activities. Appropriate thank-you gifts for a dinner or event host should be brought from the College; anything else must receive advance approval from the department head.

No expenses for a spouse/partner accompanying the faculty or staff member may be charged to the College, with the exception of the cost of a meal if the spouse/partner's presence is essential to the event and where there has been prior approval.

No personal expenses may be charged to the College, including (but not limited to) traffic and parking tickets; rental, repair and replacement of clothing items; personal entertainment such as sporting-event or theatre tickets and in-room movies; alcoholic beverages other than those customarily taken with a meal that is part of College business; and any item which an individual would normally purchase for him/herself if not traveling.

Corporate Card program

Middlebury College currently has a corporate procurement card program with JP Morgan/Chase VISA. This program is designed to facilitate the procurement of goods and services and College travel and to minimize the issuance of cash advances. VISA procurement cards display a College logo along with the department and employee name.

Charges made on the VISA card are billed directly to the College and a statement is also sent to the cardholder. The cardholder is responsible for completing an on-line review on the JP Morgan website and his/her supervisor is additionally responsible for approving these charges on-line. Charges are allocated to the cardholder's primary department account and allocation of charges to alternative accounts can be accomplished on-line during the cardholder's review of expenses. Cardholder charges are uploaded into the College's accounting system twice monthly from JP Morgan/Chase.

Cash Advance

The College makes available travel advances for individuals who do not have a College credit card or whose itinerary requires substantial cash expenses, such as athletic team or class group travel. Requests for travel advances must be submitted on a proper voucher form indicating travel dates, business purpose, and the amount of advance requested, and must be approved by the department head. Travel advance checks are available in the Cashier's Office on 48 hours notice with proper supporting documents.

Accounting

Formal accounting for travel advances and/or reimbursable travel expenditures made by an individual must be submitted to the Controller's Office immediately upon return from a trip. This accounting must include original receipts for meal, hotel accommodations, transportation, etc., and must be approved by the department head.

Internal Revenue Service regulations require that adequate records substantiate all expenditures for travel and entertainment. This substantiation must include information relating to the:

- Amount of the expenditure;
- Time and place of the expenditure;
- Business purpose of the expenditure; and
- Names and the business relationships of individuals (other than the traveler) for whom the expenditures are made.

Reasonable incidental expenses of \$10 or less do not require documentation but need to be enumerated.

Travel advances in excess of expenses submitted must be returned to the Cashier's Office immediately upon return from a trip.

E&I [Educational & Institution Cooperative] Contract with Enterprise Car Rental

The College participates through its membership in the E&I Cooperative in the cooperative's national contract with Enterprise Car Rental, which provides College travelers with online reservation capability at attractive rental rates. To access these rates with Enterprise, reservations may be made online, in person, or by phone with Enterprise by referencing the E&I contract codes.

Full information about using this agreement may be obtained on [Enterprise Rental](#) on the [Middlebury-Monterey Integration Initiative web site--Tips for Travelers](#).

Vehicle Rentals

FACILITIES SERVICES Service Building Extension 5462

All vehicle rentals, both internal and local external (including Burlington and Rutland), must be arranged through the Facilities Services Office.

Vehicle rental requests, for student or department use, must be approved by the appropriate budget administrator. No rentals are authorized for personal use. Since July 1, 1996, all authorized student drivers have been required to apply for and obtain a Middlebury College operator's license from the Department of Public Safety, and, additionally, are required to pass a driver's test and complete a 2.5 hour safe driving workshop for 15-passenger van use. College employees are also required to obtain a license, pass a driver's test, and complete the workshop as described above. The Department of Public Safety will require proof of a valid driver's license.

Outside rental use, in most cases, requires that the driver be at least 25 years of age. The outside rental agency will require proof of a valid driver's license for each driver authorized and approved to operate the vehicle. A Middlebury College operator's license is also required for outside authorized rentals.

The Facilities Services Office will require the rental departure and return dates (including time), destination, department index

number, name of driver or drivers, rental authorization, and proof of a valid Middlebury College operator's license and valid state license.

Unauthorized use of any rental vehicle will result in suspension of all driving privileges of College-owned vehicles and College-authorized outside rentals.

The use of cell phones by drivers of college vehicle is prohibited unless the phone is in hands free mode. This is a requirement from our insurance carrier.

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College Governance

Faculty Rules and Procedures

1. Article I Membership

a. Section 1

Automatic Eligibility

By reason of their rank or of their office, the following shall automatically be entitled to membership in and upon the faculty of Middlebury College and shall have the right to vote at all faculty meetings except as noted in c. Section 3. Voting Membership, below.

- i. Faculty serving in rank: professor, associate professor, assistant professor, and instructor.
- ii. Regular faculty serving on associate status.
- iii. Full-time faculty with special appointments.
- iv. Coaching faculty serving on special appointments with the rank of instructor in physical education, assistant in physical education, associate in physical education, and senior associate in physical education.
- v. Full-time faculty on term appointments, including assistants in instruction whose positions are potentially subject to review by the Reappointments Committee.
- vi. Part-time faculty on special and term appointments.
- vii. The president, the provost, the dean of the faculty, the dean for faculty development and research, the dean of curriculum, the dean of the College, and the vice president for Language Schools, Schools Abroad and Graduate Programs.
- viii. The dean of library and information services and the dean of admissions.

b. Section 2

Additional Eligibility

Additions to the above general rule will be allowed by a majority of the entire voting faculty. Requests for such additions are to be submitted to the faculty by the dean of the faculty.

c. Section 3

Voting Membership

Adjunct appointees shall be entitled to attend all faculty meetings, but they shall not have the right to vote. On-leave faculty shall be eligible to vote in on-line balloting for the election of faculty committees, or on mailed ballots conducted according to the provisions of subsection 3.f.iii. below. To be counted, mailed ballots must be returned by the time designated on each ballot.

2. Article II Organization of the Faculty

a. Section 1

Officers

- i. The president of the College is the principal officer of the faculty and will preside at its meetings and will have the same right of debate as other members without yielding the chair. In his or her absence, the provost, or, if he or she too is absent, then an officer of the College designated by the president, will preside.
- ii. The parliamentarian, to be appointed each year by the president, will serve at all meetings as adviser to the president on questions of order and procedure.
- iii. The secretary, to be appointed by the president, will compile proper minutes and other necessary records of the faculty proceedings and will see to the proper custody of such records.

b. Section 2***Divisions and Departments***

The several divisions and departments of instruction comprising the administrative organization for the instructional work of the College will serve also as component parts of the faculty, where appropriate.

c. Section 3***Committees******i. Major Councils and Committees***

(a) The Council on Reviews (COR) consists of a Promotions Committee and a Reappointments Committee. The Promotions Committee will advise the president on each case in which a faculty member is under review for promotion to tenure or to full professor, or is facing dismissal. The Reappointments Committee will advise the president on each case in which a faculty member is under review for reappointment. The Reappointments Committee will also conduct ten-year reviews. The Council on Reviews shall hold an annual open meeting to explain review procedures and respond to questions and concerns from the faculty.

(b) The Educational Affairs Committee will make recommendations to the faculty on matters of academic policy, and will make recommendations to the president or the president's designate on matters of staffing the academic program.

(c) The Faculty Council will function as a body advisory to the president; as a channel of communication between the faculty and the president; and with the provost as adviser, it will function as a Committee on Committees. Some of its members will also serve as a Committee on Conference with the trustees. Others will also serve as a Committee on Finance and Planning.

(d) The Appeals Council will hear the cases of faculty members who believe their non-reappointment to involve procedural errors or violations of academic freedom.

ii. Standing Committees

There will be standing committees of the faculty as provided below in 4. Article IV. There will be such other standing committees as may be found convenient by the faculty for the discharge of its business.

3. Article III Faculty Meetings**a. Section 1*****Time of Meetings******i. Faculty meetings will be scheduled as follows:***

The September meeting will be held during the week before the start of classes, at a time and place established in conjunction with other activities of that week.

The December and May meetings will be held on the Mondays following the end of fall and spring semester classes, respectively, and will normally be scheduled to begin at 3 p.m.

Regularly scheduled meetings will normally be on the first Monday of the month. The Faculty Council, in consultation with the

administration, may choose to reschedule faculty meetings in order to avoid having a faculty meeting on the first day of classes for a term or the Monday immediately after a vacation. The meetings for October, November, February, March, and April will normally be scheduled to begin at 4:15 p.m. At the September meeting a motion may be made to omit the October meeting.

The December and May meetings will be held on the Mondays following the end of fall and spring semester classes, respectively, and will normally be scheduled to begin at 3 p.m.

The Faculty Council, in consultation with the administration, may choose to reschedule faculty meetings in order to take into consideration the timing of Spring Break, the end of the spring semester, and important holidays.

ii. Special meetings of the faculty will be convened when, in the opinion of the president, there is necessary business to be transacted.

iii. A special meeting of the faculty will be called by the president at the request of 10 members of the faculty.

b. Section 2

Attendance and Quorum

i. Voting members of the faculty are expected to be present at all faculty meetings.

ii. Voting members, and others invited by the president, will be privileged to participate in discussion in faculty meetings.

iii. A quorum in faculty meetings will consist of a majority of the voting members of the faculty. The secretary will inform the president of the presence of a quorum.

iv. Student eligibility for attendance and participation in faculty meetings will be governed by the regulations set forth below in 4. Article IV., a. Section 1.viii. and ix.

v. Smoking is prohibited at faculty meetings.

c. Section 3

Notice and Agenda

i. Notice and a statement of the agenda of each meeting of the faculty will be sent to all members prior to the meeting.

ii. Items to be placed on the agenda must be submitted in writing to the secretary at least one week prior to the meeting, and these items, including written reports and proposals, will be circulated to the faculty by the secretary in advance of the meeting.

iii. Matters not included among those on the agenda may be brought before the meeting when in order, but, in the case of important matters, as determined by the presiding officer, will be presented only for discussion.

d. Section 4

Order of Business

In meetings of the faculty the normal order of business will be:

i. Call to Order

ii. Quorum Call

iii. Minutes of Previous Faculty Meeting

iv. Reading and Ratification of Minutes of Administration Committee and Off-Campus Study (Programs Abroad) Committee.

v. Unfinished Business

vi. Action Reports of Committees

vii. New Business

viii. Information Reports of Committees and Officers

ix. Announcements

x. Adjournment

e. Section 5

Rules of Order and Suspension of Rules

i. The rules of parliamentary procedure as found in *Robert's Rules of Order* will govern the meetings of the faculty in all cases to which they are applicable and in which they are not inconsistent with the regulations of Middlebury College.

ii. Rules and procedures governing the conduct of faculty meetings may be suspended by two-thirds of those voting.

iii. The faculty at any point in its proceedings may, by majority vote, declare itself in executive session, thereby limiting the meeting to voting members only. All discussions and actions taken in executive session shall be held in confidence until released by proper authority.

f. Section 6

Voting

i. In faculty actions, decisions will be taken by a majority of those voting unless otherwise specified.

ii. Voting at faculty meetings may be by voice, by show of hands, or by written ballot. A written ballot may be used at the discretion of the president and will be used when requested by 10 members.

iii. On matters affecting general educational policy, a vote of the faculty may require that balloting be conducted by mail through the Office of the Dean of the Faculty.

iv. Questions involving votes upon faculty members by name will be decided by written ballot.

v. If the discussion of any motion extends beyond 5:15 pm at any given faculty meeting, voting on that motion will be automatically suspended until the following meeting.

g. Section 7

Committee Reports

i. The Faculty Council and the Educational Affairs Committee will report at each faculty meeting.

ii. The Committee on Conference with the trustees will report at least once each semester.

iii. The Committee on Finance and Planning will report as appropriate, but at least twice each year.

iv. All other committees will report, when appropriate, at least once a year.

4. Article IV Committees

a. Section 1

General

i. The standing committees of the faculty, their respective objectives, duties, and functions, composition and method of election or appointment, will be as described in the Faculty Councils and Committees section in this chapter of the *Handbook*.

ii. The president of the College will be a member *ex officio* of all councils and committees.

iii. When, in the judgment of the president, or upon vote by the faculty, it is necessary to constitute a special committee to discharge a particular task that does not fall within the domain of any existing committee, such a committee may be established. The measure establishing such a committee will specify its instructions, its composition and method of appointment or election, and other necessary information.

iv. Matters brought to the attention of the faculty with a view to action thereon that fall within the sphere of any standing or special councils or committees will be referred to the appropriate councils or committees for consideration and for report or recommendation to the faculty, before being voted upon at any faculty meeting.

v. All councils and committees of the faculty will maintain such records of their proceedings as may be deemed necessary and will render report upon their deliberations and actions to the faculty.

vi. Unless otherwise specified in the provisions contained in the *Handbook*, the term of office of a member of any standing council or committee will commence on September 1.

vii. Should a vacancy occur on an elective standing council or committee before expiration of the normal term, the vacancy will be filled for the remaining period of that term by an election to be held within one month of the occurrence of the vacancy, or in September for vacancies occurring after May 15, in the manner prescribed for that committee. Vacancies occurring on appointive councils or committees will be filled by the Committee on Committees. Vacancies which occur on the Council on Reviews or the Educational Affairs Committee will be filled by means of the same procedures as are used to determine the original membership of those committees. Vacancies occurring because of leaves or termination of employment should, when possible, be filled at an appropriate time in the academic year preceding leave or termination of employment.

viii. All councils and committees with the exception of the Council on Reviews, the Educational Affairs Committee, the Faculty Council, and the Appeals Council, may have student members. Student members will be chosen as determined by the Community Council. The number of students, if any, for each committee, and the condition of membership, whether voting or non-voting, will be set by the faculty. By the May faculty meeting of each year, the Committee on Committees will make recommendations regarding changes in composition and function of any committee.

ix. The president and vice president of the Student Government Association, and the student members of the Community Council and Student Educational Affairs Committee, will be permitted to attend all faculty meetings with the right to speak. Student members of other College committees will be permitted to attend those faculty meetings in which their committees' recommendations are on the agenda, with the right to speak when those recommendations are being debated. Two representatives each from the *Middlebury Campus* and WRMC will be permitted to attend faculty meetings.

5. Article V Amendments

a. Section 1

Proposed amendments to these Rules and Procedures will be initiated at a regular faculty meeting.

b. Section 2

Any such proposed amendment, if supported by at least 10 voting members, will then be referred to the divisions for discussion prior to the next faculty meeting.

c. Section 3

Notice of such proposed amendment will be included in the notice of the next regular faculty meeting and may there be adopted by a vote comprising at least a two-thirds majority of those present, provided at least a quorum is in attendance.

Faculty Councils and Committees

There are four general councils and committees of the faculty:

(1) The Council on Reviews (COR) consisting of the Promotions Committee and the Reappointments Committee

(2) The Educational Affairs Committee (EAC)

(3) The Faculty Council, encompassing the Committee on Conference with the Trustees and the Committee on Finance and Planning

(4) The Appeals Council

These bodies advise the administration and faculty on policy and act for the faculty in specified areas.

Any council may establish standing or ad hoc committees, in addition to those designated below, which may include persons who are not members of the parent body. All such committees will report to the faculty through the parent group. Any positions on such committees are filled through appointment by the Committee on Committees. The president is a member, *ex officio*, of all councils and committees.

No member of the faculty may serve simultaneously on more than one of the following committees: the Council on Reviews, the Educational Affairs Committee, the Faculty Council, and the Appeals Council. Faculty members who will be on leave during the year in which a term is scheduled to begin are ineligible for election.

After serving the equivalent of a full term (three years) on the Teaching Resources Committee and/or Educational Affairs Committee, or Faculty Council, faculty members may annually choose to have their names removed from the ballots for all elected committees for two years. Time spent on leave does not count towards this grace period. Members of the faculty will not be obligated to serve for more than a total of nine years (3 full terms) on any combination of these committees.

After three years of service on either the Promotions Committee or the Reappointments Committee, or the former Committee on Reappointment, professors may annually choose to have their names removed from the ballots for all elected committees for three years. Time spent on leave does not count towards this grace period.

After serving a total of six years (two full terms) on either the Promotions Committee or the Reappointments Committee, or the former Committee on Reappointment, professors may annually choose to have their names removed from the ballots for these committees for the rest of their employment at Middlebury College. A faculty member elected to a two- or three-year term on the Promotions Committee or the Reappointments Committee, who will satisfy the six-year lifetime service limit on those committees before the expiration of the elected term, may step down from the Promotions Committee or the Reappointments Committee at the end of the academic year in which the six-year limit is reached. Faculty who wish to exercise this option must notify the Office of the Dean of the Faculty by no later than November 1 in the year at the end of which they will step down.

A faculty member may request to be exempted from the ballots for elected committees and from selection for standing appointed committees, on an annual basis, for a period of time not to exceed four years in a career. Normally no more than two of these four years may be consecutive.

To be exempt from committee service during the following year, faculty members must normally notify the dean of the faculty by November 1.

Faculty members elected to two- or three-year committee terms must normally wait until the completion of the term to which they were elected before being able to avail themselves of this exemption. Such faculty members may, however, request to have their names removed from the ballots for elected committees that take precedence, in terms of the order of election, over the committee on which they are currently serving. If the request is made before the final year of a two- or three-year elected term of service, it will not count toward the total number of years for which one may request exemption from committee service.

If more than 12 percent of the full-time faculty request exemptions for a given year, then the requests will be honored on the basis of seniority, as determined by date of first appointment to the faculty.

Elections for all elected faculty councils and committees will take place on-line. The Office of the Dean of the Faculty will determine those members of the faculty, including faculty on leave, who are eligible to vote in the elections. Faculty members must enter their ID number and PIN to authenticate their identity when voting, but this information will not be associated with the votes cast.

The on-line polls for each election will remain open for a minimum of two working days, defined as days on which classes are scheduled, weekdays during the period between Winter Term and the spring semester, or weekdays during the examination period.

The order of committee elections is as follows: Promotions Committee, Reappointments Committee, Educational Affairs Committee, Faculty Council, Appeals Council. The schedule for elections in each academic year shall be determined by the dean of the faculty in consultation with the Faculty Council. The elections for the Council on Reviews and the Educational Affairs Committee shall be scheduled whenever possible to be completed before the beginning of the spring semester.

1. The Promotions Committee of the Council on Reviews

a. Function

The Promotions Committee advises the president on each case in which a faculty member is under review for promotion to tenure or to full professor, or is facing dismissal.

The provost sits with the Promotions Committee. It is expected that during the course of a review for tenure, the president shall become familiar with the scholarship and teaching record of the candidate. All decisions and recommendations by both the committee and the president shall be made and justified in accordance with the provisions and procedures specified in the Rules

of Appointment and Tenure in the Faculty Handbook chapter of this handbook.

The committee as part of the Council on Reviews shall hold an annual open meeting to explain its procedures and to respond to questions and concerns from the faculty.

b. Election

i. The committee will consist of three tenured full professors from the full-time teaching faculty elected by the faculty. No more than two members of the committee may be from one division and no more than one from a department. Each year a member of the faculty will be elected to a three-year term.

ii. No faculty member may serve concurrently as a dean or other administrative officer and a member of the Promotions Committee.

iii. A faculty member elected to a two- or three-year term on the Promotions Committee who is on leave before the expiration of the elected term must serve the remaining years of the elected term after returning from leave.

iv. Promotions Committee members will be given reduced teaching loads, as determined by the dean of the faculty.

v. All balloting for the Promotions Committee will be conducted on-line and coordinated by the dean of the faculty.

vi. The preliminary ballot will list all tenured full professors, with the exception of current members of the Council on Reviews, those who will be on leave, and those made ineligible or whose obligation is waived because of stipulations set forth above. On the preliminary ballot, faculty members may vote for a maximum of two candidates for each position to be filled.

If a candidate receives a majority of the votes cast on the preliminary ballot, and the number of votes equals or exceeds 35 percent of the current voting membership of the faculty, he or she will be declared elected. If no one is elected to the Promotions Committee on the preliminary ballot, a run-off ballot will be distributed listing in alphabetical order the three candidates who received the greatest number of votes on the preliminary ballot. If no one receives a majority of the votes cast on the run-off ballot, a final ballot will be distributed, listing those two who received the greatest number of votes on the run-off ballot. For any second vacancy on the Promotions Committee, a subsequent election will be held. A ballot will be distributed listing in alphabetical order those three faculty members, still eligible for election to the Promotions Committee, who received the greatest number of votes on the preliminary ballot. If no one receives a majority on this ballot, another ballot will be taken listing those two who received the greatest number of votes on the preceding ballot. For any third vacancy on the Promotions Committee, a separate election will be conducted. If no one is elected on the run-off ballot, a final ballot will list the top two eligible candidates.

vii. A member of the Educational Affairs Committee, Faculty Council, or Appeals Council who is elected to the Promotions Committee will relinquish his or her position on the other committee.

2. The Reappointments Committee of the Council on Reviews (COR)

a. Function

The Reappointments Committee advises the president in all reappointment decisions. This committee also conducts ten-year reviews. The provost sits with the Reappointments Committee. All decisions and recommendations by both the committee and the president shall be made and justified in accordance with the provisions and procedures specified in the Rules of Appointment and Tenure in the Faculty Handbook chapter of this handbook.

The committee as part of the Council on Reviews shall hold an annual open meeting to explain its procedures and to respond to questions and concerns from the faculty.

b. Election

i. The committee will consist of three tenured full professors from the full-time teaching faculty elected by the faculty. No more than two members of the committee may be from one division and no more than one from a department. Each year a member of the faculty will be elected to a three-year term.

ii. No faculty member may serve concurrently as a dean or other administrative officer and a member of the Reappointments Committee.

iii. A faculty member elected to a two- or three-year term on the Reappointments Committee who is on leave before the expiration of the elected term must serve the remaining years of the elected term after returning from leave.

iv. Reappointments Committee members will be given reduced teaching loads, as determined by the dean of the faculty.

v. All balloting for the Reappointments Committee will be conducted on-line and coordinated by the dean of the faculty.

vi. The preliminary ballot will list all tenured full professors, with the exception of current members of the Council on Reviews, those who will be on leave, and those made ineligible or whose obligation is waived because of stipulations set forth above. On the preliminary ballot, faculty members may vote for a maximum of two candidates for each position to be filled.

If a candidate receives a majority of the votes cast on the preliminary ballot, and the number of votes equals or exceeds 35 percent of the current voting membership of the faculty, he or she will be declared elected. If no one is elected to the Reappointments Committee on the preliminary ballot, a run-off ballot will be distributed listing in alphabetical order the three candidates who received the greatest number of votes on the preliminary ballot. If no one receives a majority of the votes cast on the run-off ballot, a final ballot will be distributed, listing those two who received the greatest number of votes on the run-off ballot. For any second vacancy on the Reappointments Committee, a subsequent election will be held. A ballot will be distributed listing in alphabetical order those three faculty members, still eligible for election to the Reappointments Committee, who received the greatest number of votes on the preliminary ballot. If no one receives a majority on this ballot, another ballot will be taken listing those two who received the greatest number of votes on the preceding ballot. For any third vacancy on the Reappointments Committee, a separate election will be conducted. If no one is elected on the run-off ballot, a final ballot will list the top two eligible candidates.

vii. A member of the Educational Affairs Committee, Faculty Council, or Appeals Council who is elected to the Reappointments Committee will relinquish his or her position on the other committee.

3. Educational Affairs Committee (EAC)

a. Function

The Educational Affairs Committee has two functions of equal importance: (1) to oversee the general direction of the College curriculum and (2) to make recommendations on staffing and the allocation of teaching resources. The Educational Affairs Committee considers proposals for new majors and programs, changes in degree requirements and the College academic calendar, and other matters of general educational policy, and refers the proposals it approves to the full faculty for further action. The committee considers proposals for new and restored positions on the faculty and for replacement staffing for faculty on leave, and recommends the proposals it approves to the president or the president's designate. The committee's purpose is to provide guidance and direction to the manner in which resources are allocated to carry out Middlebury's educational mission as a liberal arts college.

b. Composition

The Educational Affairs Committee will be composed of seven members: five elected, full-time, tenured members of the faculty; and two academic administrators appointed by the president, one of whom will chair the committee. When voting is necessary, only the elected faculty members shall vote, except in the case of a tie, when the chair shall cast a deciding vote. Faculty members elected to the Educational Affairs Committee normally shall not, during their term of office, serve on any other committee or serve as chair of a department or division. In carrying out its functions, the Educational Affairs Committee shall create, as it deems necessary, ad hoc committees to obtain information and recommendations about particular issues. The composition of such ad hoc committees shall be at the discretion of the Educational Affairs Committee, except that ad hoc committees on matters of general educational policy or academic regulations shall always include at least one student member.

The Student Government Association shall be responsible for the appointment of four student representatives to serve as members of a Student Educational Affairs Committee. The Student EAC shall invite one faculty member of the EAC to serve in an advisory capacity. The EAC will meet with the Student EAC at least once a month to discuss matters of general educational policy. The EAC will consult with the Student EAC prior to presenting proposals that require approval of the full faculty, such as proposals for new majors and programs, changes in degree requirements and the College academic calendar, and other matters of general educational policy. The Student EAC may initiate proposals for consideration by the EAC. The members of the Student EAC are permitted to attend monthly faculty meetings, with the right to speak during consideration of curricular measures presented by the Educational Affairs Committee.

c. Election

i. The five elected members of the Educational Affairs Committee shall be elected at large by all voting members of the faculty. No more than two members of the committee may be from one division, and no more than one from a department. The elected members shall serve three-year terms. Each year EAC members will be relieved from teaching one semester course and one winter term course.

ii. All balloting for the EAC will be conducted on-line and coordinated by the dean of the faculty.

iii. The preliminary ballot will list all tenured members of the full-time teaching faculty, with the exception of the members of the Council on Reviews and those who will be on leave during the following year. On the preliminary ballot, faculty members may vote for a maximum of two candidates for each position to be filled.

iv. If a candidate receives a majority of the votes cast on the preliminary ballot, and the number of votes equals or exceeds 35

percent of the current voting membership of the faculty, he or she will be declared elected. If no one is elected to the EAC on the preliminary ballot, a run-off ballot will be distributed listing in alphabetical order the three candidates who received the greatest number of votes on the preliminary ballot, or, if there are two open positions on the EAC, the six candidates who received the greatest number of votes on the preliminary ballot. If no one receives a majority of the votes cast on the run-off ballot, a final ballot will be distributed, listing those two (or four, if there are two vacancies on the committee) candidates who received the greatest number of votes on the run-off ballot. If there are two open positions of different lengths on the EAC, the person receiving the most votes will be elected to the longest term position, and the person receiving the second highest number of votes will be elected to the second-longest term position. For any third vacancy on the EAC, a separate election will be conducted. If no one is elected on the run-off ballot, a final ballot will list the top two eligible candidates.

v. A member of the Faculty Council or Appeals Council who is elected to EAC will relinquish his or her position on the other committee.

d. Procedures

i. Educational Policy

(a) All proposals affecting general educational policy will be recommended to the faculty through the Educational Affairs Committee.

(b) The Educational Affairs Committee will make recommendations regarding general educational policy at one faculty meeting, and such recommendations will be discussed in divisions prior to the next faculty meeting.

(c) Such matters may not be initiated at the May meeting of the faculty.

ii. Programs and Majors

(a) The Educational Affairs Committee will recommend for approval by a vote of the faculty any new program or major or the elimination of any existing program or major.

(b) Proposals for new programs and majors to be introduced in the following year's catalog should be submitted, with divisional approval, to the Educational Affairs Committee no later than November 15. All proposals for new programs and majors recommended by the Educational Affairs Committee will be presented to the full faculty for a vote.

iii. Academic Regulations

(a) Proposals for changes in academic regulations included in the catalog and the *College Handbook* will be referred to the Educational Affairs Committee.

(b) The Educational Affairs Committee may either consider these proposals itself, refer them to an ad hoc committee, or refer them to the Curriculum Committee. Recommendations regarding changes in academic regulations may be brought directly to the faculty for a vote by an ad hoc committee or by the Curriculum Committee.

e. Standing Committees

The various standing committees will keep the Educational Affairs Committee informed of their activities through minutes of all their meetings. In a given year the EAC may also decide to concentrate its attention on the issues arising before a particular standing committee: at the EAC's request, one of its members may be named to sit on such a committee and to serve as a liaison between the two groups. The standing committees include:

i. Curriculum Committee

(a) *Composition:* the dean of curriculum, who is chair, four faculty members from different divisions, and two student members, elected by the Student Government Association.

(b) *Function:* To approve or reject requests for additions, deletions, or alterations of courses that have been recommended by the appropriate divisions and/or departments; to act upon proposed changes in requirements for programs, majors, and minors; to exercise general oversight of the distribution requirement and the cultures and civilizations requirement; to exercise general oversight of the first-year seminar program; to undertake responsibility for the administration of an effective and well-balanced winter term program; to approve, in consultation with the dean of the College or designee, proposals from students for Independent Scholar status. The divisions may propose to the Curriculum Committee that certain courses be given divisional designations rather than departmental letters. Such proposals require prior consent of the instructor's department and the division in which the course is to be offered.

(c) *Procedure:*

(1) Proposals for the addition of courses to the curriculum must be presented to the Curriculum Committee for approval. Proposed courses for the fall term should be submitted to the Curriculum Committee by March 1. Proposed courses for the spring term should be submitted to the Curriculum Committee by October 1.

(2) Proposals for changes in requirements for programs, majors, and minors should be submitted to the Curriculum Committee by February 1.

(3) Disposition of proposals in categories (1) and (2) may take one of the following forms:

Changes approved unanimously by the committee become a part of the curriculum except those involving financial commitments or teaching staff.

All proposals other than those passed unanimously may, at the discretion of any member of the Curriculum Committee, be brought by the committee to the Educational Affairs Committee for action; if approved, they become part of the curriculum except those involving financial commitments or teaching staff.

The Curriculum Committee will consult the Educational Affairs Committee before acting on proposals which involve questions of financial commitments or teaching staff.

All approved changes will be reported to the faculty.

ii. *Administration Committee*

To consider any appeals regarding a student's status including readmission.

iii. *Athletic Policy Committee*

The committee has the responsibility to formulate and recommend to the faculty policy concerning intercollegiate athletics for Middlebury College undergraduates, in accordance with the rules of the National Collegiate Athletic Association, the Eastern College Athletic Conference, and the New England Small College Athletic Conference, in which Middlebury maintains membership. The committee acts as an executive committee. Its decisions are subject to review at the following faculty meeting through approval of the minutes of its meeting. As an executive committee, the committee has the following responsibilities: (a) approving all athletic schedules within the limits established by the faculty; (b) approving the number of classes missed for a particular event; (c) making exceptions to established faculty athletic policy; and (d) obtaining financial authorization from the administration prior to taking executive action or recommending action by the faculty. One of the faculty members of the committee shall serve as the College's NCAA faculty representative. The chair of the Athletic Policy Committee, who shall be a tenured member of the faculty, shall also serve as a member of the Physical Education and Athletics Committee on Reappointment (PEACOR).

iv. *Preprofessional Committees*

To prepare committee recommendations; to assist students in their applications to medical, dental, engineering, and other professional schools.

v. *Teacher Education Committee*

To work with the director of teacher education in an advisory capacity. The committee consists of the director of teacher education and two faculty members.

vi. *Information Services Committee*

The committee is charged with reviewing and recommending priorities and policies about the acquisition, deployment, use, and support of library, media, and computing resources.

vii. *Off-Campus Study*

To review, appraise, and approve or disapprove all student applications for a leave of absence to study off campus. The committee shall be composed of two members of the faculty, one of whom is from the foreign language division, the director of off-campus study, and two senior students who have participated in off-campus programs.

viii. *Career Services Advisory Committee*

To work with the executive director of career services in an advisory capacity. The committee consists of the executive director and two faculty members.

ix. *Honorary Degree Committee*

Two faculty members will be appointed to serve on the trustee committee that recommends to the president candidates for honorary degrees and Commencement speakers.

3. The Faculty Council; The Committee on Conference with the Trustees, and The Committee on Finance and Planning

a. *Function*

The council will advise the president and serve as a channel of communication between the faculty and the president. Three of its members will also serve as a Committee on Conference with the Trustees. The other three will also serve as a Committee on Finance and Planning. The council will

- i. Meet with the president or the provost at least once a month. It may, through its secretary, request meetings with the president at other times.
- ii. Advise the president concerning allocations of space.
- iii. Advise the president on academic administrative appointments.
- iv. Consider items referred to it by the faculty and report to the faculty its recommendations.
- v. Keep permanent records of all council proceedings. It will upon request of any member take a formal vote on any matter.
- vi. Report to the faculty its deliberations at the earliest faculty meeting and subsequent to each council meeting.
- vii. Act, with the advice of the provost, as a Committee on Committees. The Committee on Committees will appoint the faculty members to all regular standing committees and subcommittees. The council will determine terms of appointment to councils and committees and announce these to the faculty. It may recommend to the faculty the reconstruction or the abolition of committees. In this function, the council's actions are subject to ratification of the faculty.
- viii. Act, through three of its members, as a Committee on Conference with the Trustees. This subcommittee will meet at least twice a year (more often if asked to do so by the council) with the Trustee Committee on Conference to discuss matters of mutual concern. The secretary of the council will also serve as chair of the Committee on Conference with the Trustees.
- ix. Act, through the other three of its members, as a Committee on Finance and Planning. This subcommittee will
 - (a) Advise the president on faculty salaries, benefits, general financial planning, and long-range priorities.
 - (b) Meet with the president, the provost, the Educational Affairs Committee, and other members of the administration each spring to discuss faculty salaries, benefits, general financial planning, and long-range priorities.
 - (c) Organize an informational meeting and discussion session for the faculty normally in October to consider faculty salaries, benefits, general financial planning, and long-range priorities.
 - (d) Follow up on the October meeting with recommendations to the administration by December.
 - (e) If called upon to do so by the Faculty Committee on Conference, join that committee in meeting with the Trustees' Conference Committee.
 - (f) Report to the faculty as appropriate, but at least twice each year. Provide the faculty with information about faculty salaries, benefits, general financial planning, and long-range priorities, and seek faculty input on these matters.
 - (g) Meet at least once a year with the Staff Council.

b. *Composition*

- i. *The council will consist of four tenured and two nontenured members.* A member of the faculty must have completed two years of full-time faculty status at Middlebury before his or her elected term begins. A member of the Faculty Council may not serve on the Council on Reviews, the Educational Affairs Committee, or the Appeals Council.
- ii. The council will choose a Committee on Conference with the Trustees and a Committee on Finance and Planning from its

members. It will elect as secretary one of its tenured members, who also will serve as the chair of the Faculty Conference Committee component. It also will elect a chair of the Committee on Finance and Planning. The secretary of the council, in consultation with the provost and the council, will prepare an agenda for each monthly meeting. The secretary of the council may call additional meetings of the council for the purpose of preparing an agenda.

iii. *Term of Election:* Normally, both tenured and nontenured members of the faculty will serve for three-year terms. A nontenured member who receives tenure during his or her term will complete the term as a tenured member, and the resulting vacancy in the nontenured ranks will be filled by election, as specified below.

c. Election

All balloting for Faculty Council will be conducted on-line and coordinated by the dean of the faculty. A preliminary ballot will list all tenured members of the faculty, except members of the Council on Reviews and the Educational Affairs Committee, and all eligible nontenured members of the faculty. Members of the faculty in their first or second year of appointment are not eligible for election, nor are those on part-time, associate, visiting, or other special appointments, or those who are currently under tenure review. Full-time members of the department of physical education are eligible for election to Faculty Council in the nontenured category after two or more years of service on the faculty. Also, faculty who will be on leave during the year in which a term is scheduled to begin are ineligible for election.

Depending on how many people are to be elected in each category (tenured or nontenured) in any one year, the faculty will be asked on the preliminary ballot to name twice that number from all eligible faculty members. A final ballot will be distributed after the preliminary ballot has been counted. Of those people who received the most votes on the preliminary ballot, the names of twice as many people as need to be elected in each category will be listed. On the final ballot, voting faculty will be asked to name the exact number of people to be elected. Those people with the highest number of votes in their respective categories will be elected to available positions, with the person receiving the most votes elected to the longest term position, the person receiving the next highest number of votes elected to the second-longest term position, etc. In case of a tie or ties, a run-off ballot will be conducted.

A member of the Appeals Council who is elected to the Faculty Council will relinquish his or her position on the other committee.

4. The Appeals Council and Appeal Committees

a. Function

The Appeals Council will form an Appeal Committee to hear the case of any faculty member who believes that his or her non-reappointment is based on grounds involving procedural errors that may have influenced the Promotions Committee or the Reappointments Committee and/or the president, or violations of academic freedom, as outlined in the Rules of Appointment and Tenure, Appeal Procedures, in the Faculty Handbook chapter of this handbook.

b. Election of Appeals Council

The faculty will elect five tenured faculty to serve as an Appeals Council. The Appeals Council will select a secretary. All tenured members of the faculty, except the members of the Council on Reviews, the Educational Affairs Committee, and the Faculty Council, and administrative officers, are eligible for election to the Appeals Council. No two members of the Appeals Council may be from the same department.

All balloting for the Appeals Council will be conducted on-line and coordinated by the dean of the faculty. Each year members of the faculty will be elected to three-year terms to fill vacant positions on the Appeals Council. A preliminary qualifying ballot will list all tenured members of the faculty, except the members of the Council on Reviews, the Educational Affairs Committee, and the Faculty Council, and administrative officers. People who will be on leave during the year in which a term is scheduled to begin are ineligible for election. On the preliminary ballot, faculty members may vote for a maximum of two candidates for each position to be filled. If a candidate receives a majority of the votes cast in this ballot, and the number of votes equals or exceeds 35 percent of the current voting membership of the faculty, he or she will be declared elected.

If no one is elected to the Appeals Council on the preliminary ballot, a run-off ballot will be distributed listing in alphabetical order the names of the three candidates receiving the greatest number of votes in the preliminary balloting. If no one receives a majority of the votes cast on this ballot, a final ballot will be taken, listing those two who received the greatest number of votes on the run-off ballot. If there is another vacancy, the remaining two names on the first ballot will be presented for election. If an additional vacancy must be filled, the third person on the first ballot will be declared elected.

c. Formation of an Appeal Committee

When an appeal is to be heard, the Appeals Council will form an Appeal Committee, choosing its chair and two other members by rotation from the Appeals Council. In no case will a member of an Appeal Committee be a member of the appellant's department. In the event of an appeal resulting from a negative PEACOR review, an additional member will be selected at random from the pool of eligible senior associates in athletics to serve on the Appeal Committee alongside two regular members of the Appeals Council. The selected senior associate in athletics should have no shared coaching responsibilities with the appellant. The Appeals Council will hear and act upon any request (whether by a panel member or by the appellant) that any

member be disqualified from serving on an Appeal Committee; such request must be submitted to the Appeals Council within one week after the appellant has been notified of the Appeal Committee's membership.

5. Physical Education and Athletics Committee on Reappointment

The Physical Education and Athletics Committee on Reappointment (PEACOR) will be composed of the director of athletics, the senior woman administrator, a senior department member elected by the members of the department of physical education, the chair of the Faculty Athletic Policy Committee, and the dean of the College. This committee will conduct major reviews of faculty in the department of physical education in accordance with the provisions for "Review and Reappointment in the Department of Physical Education" included in the rules of reappointment and tenure.

College-Wide Committees

A. Community Council

The Community Council serves as a forum in which all the segments of the College community: administration, faculty, staff, and students, have a voice on nonacademic issues facing the College. With this representative membership, Community Council deliberations and decisions take into consideration the interests and concerns of the whole community. The diverse membership assures that each member of the council hears and understands the views of the other sections of the community, thus linking the four groups that compose the Middlebury College community.

The Community Council has a dual role in the College governance structure. Sometimes the council makes decisions and then implements those decisions as College policy. On certain matters, the council serves as an advisory body to the president and administration.

1. Authority

- a. The Community Council considers policies and issues in all areas pertaining to the nonacademic life of the College in which students, faculty, and/or staff share mutual concerns.
- b. The Community Council may make decisions about matters when it can be held accountable for the consequences of those decisions. Examples include student appointments to certain committees and considering house grievances.
- c. The Community Council may recommend actions to the president and administration on matters in which the council has an interest, but cannot be held accountable (legally or financially) for the consequences of decisions made. Examples include handbook policy changes and creation/termination of social/academic interest houses.

2. Legislated Duties

a. Responsibilities

i. Charged with oversight of the coeducational social house system and the academic interest house system and the implementation of changes mandated by the trustees in January 1990, the Community Council may hear an annual report from the Inter-House Council early in the year concerning the role of each house in the residential system of Middlebury and each house's compliance with the trustee-mandated reforms. (In the fall of 2000, the Community Council established the Subcommittee on the Social and Academic Interest Houses for oversight of the houses; see below.)

ii. *Oversight of Academic Interest Houses:* The Community Council may hear a report from the Academic Interest House Council each year to determine if the house serves a useful and needed purpose in the residential system of Middlebury College.

iii. The Community Judicial Board, the Academic Judicial Board, and the Judicial Appeals Board are accountable to the Community Council.

b. Delegated Responsibilities: Subcommittee on Social and Academic Interest Houses.

i. Subcommittee on Social and Academic Interest Houses

The mission of the subcommittee:

- 1. Review annually at the beginning of the year, the goals and purposes of each of the social houses and the academic interest houses.
- 2. Evaluate each of the houses in January to make sure that the

(a) houses are in compliance with College policy

(b) houses have realized their goals and purposes for the academic year

3. Based on a review, the Subcommittee on the Social and Academic Interest Houses can recommend to the Community Council that houses

(a) be continued

(b) be continued with conditions (provisional status), or

(c) be discontinued

4. In addition to overseeing compliance with College policy, this subcommittee will take on special projects as requested by Community Council.

The Subcommittee on Social and Academic Interest Houses may also make recommendations to the Community Council for updating guidelines and regulations for students in houses, consider house grievances, and make appropriate recommendations to the Community Council. In addition to the fall and January reviews, the subcommittee will meet as needed. Review of all rush and pledge (education) procedures for the social house system will be considered by the president of the IHC, the adviser to the IHC, the faculty representative, and the staff representative.

The Community Council will meet with the subcommittee after the fall and January reviews to consider the recommendations. When a recommendation has been made to discontinue a house, house members will be invited to the Community Council meeting for a full discussion. This does not preclude Community Council from taking independent action.

The membership of the Subcommittee is: president of the IHC, adviser to the IHC, faculty representative, student representative, and staff representative.

c. Decisions

i. *Community Judicial Board.* Early in the spring semester, the Community Council will appoint a selection committee comprised of one faculty member and two students from the Community Council, two nonvoting advisory members from the Community Judicial Board, and the associate dean of the College, to advertise for, interview, and select a slate of four student members and two student alternates to serve on the Community Judicial Board. The Community Council ratifies the slate of candidates.

ii. *Academic Judicial Board.* Early in the spring semester, the Community Council will appoint a selection committee comprised of one faculty member and two students from the Community Council, two nonvoting advisory members from the Academic Judicial Board, and the administrative co-chair of the Judicial Appeals Board to advertise for, interview, and select a slate of four student members and two student alternates to serve on the Academic Judicial Board. The Community Council ratifies the slate of candidates.

iii. With respect to social houses the Community Council:

(a) Approves changes in guidelines and regulations for students in houses proposed by the deans *and* the houses

(b) Considers house grievances

These responsibilities may be delegated to the Subcommittee on Social and Academic Interest Houses.

d. Recommendations

i. The Community Council recommends to the president policies in all areas pertaining to the nonacademic life of the College in which students, faculty, and/or staff share mutual concerns. This includes changes to current College policy as presented in this *Handbook*.

ii. The Community Council convenes an Honor System review committee at least every fourth year, and it makes recommendations on changes proposed by the committee. Recommendations for changes in the Constitution of the Undergraduate Honor System require approval by a referendum in which two-thirds of all students who are currently registered for classes vote, and in which two-thirds of those voting support the change, subject to ratification by the faculty. The Community Council will submit its recommendations for changes in other aspects of the judicial system to the Faculty Council for review and ratification by the full faculty.

iii. Community Judicial Board, Academic Judicial Board, and Judicial Appeals Board: The Community Council may consider or make recommendations about changes in the operation of the judicial boards. The Community Council will submit its recommendations to the Faculty Council for review and final approval by the full faculty.

iv. With respect to social houses and academic interest houses, the Community Council:

(a) Recommends action or changes in policy concerning the houses when the deans and one or more of the houses have an

unresolved disagreement or when a member of the community files a complaint against a house with the council or suggests policy changes.

(b) Recommends to the president the creation or termination of a house.

3. Other Duties

a. The Community Council may hear any proposals brought forth by members of the College community concerning nonacademic issues that affect members of the community. Action may be taken on submitted proposals according to the guidelines established in section 1 above.

b. The Community Council itself may initiate discussion on any nonacademic issue affecting the College community. Action may be taken according to the guidelines established in section 1 above or the council may encourage other appropriate groups to consider the issue in question.

4. Composition

a. Membership

The voting members of the Community Council are the dean of the College (or designate), two members of the administration appointed by the president, two members of the faculty appointed by the Faculty Council, the vice president of the Staff Council, a second member of the staff appointed by the president on the recommendation of the Staff Council, the president of the Student Government Association, the student co-chair of the Community Council elected by the student body, and six other students. Nonvoting members include two students who are selected as alternates for the student voting positions, an administrative alternate appointed by the president, and a staff alternate appointed by the president on the recommendation of the Staff Council. The dean of the College and the elected student co-chair serve as co-chairs of the Council.

b. Appointment of Members

i. The two administration members and one alternate are appointed by the president of the College.

ii. The two faculty members are appointed by the Faculty Council.

iii. The vice president of the Staff Council serves as the MCSC representative to the Community Council. The second staff member and alternate are appointed by the president on the recommendation of the Staff Council.

iv. The student members are appointed by the Student Government Association.

B. Environmental Council

1. Purposes

a. To promote environmental awareness among faculty, staff, and students.

b. To make policy recommendations to the president of the College designed to:

i. ensure a safe and healthy environment for all who live and work on the College campus.

ii. promote environmentally sound ecological (air, land, and water) stewardship practices.

iii. promote throughout the College community conservation of resources, energy efficiency, waste reduction and recycling, pollution prevention, increased reliance on renewable resources, and other measures consistent with sustainable living.

iv. further long-range environmental planning by the College.

v. assist the College in carrying out its civic responsibilities in the area of the environment.

c. oversee a biannual College-wide assessment process to ensure strong environmental performance and share the assessment with members of the College community.

d. encourage faculty to provide students opportunities within the framework of academic courses to conduct research on campus and local environmental issues; and to ensure that such research is shared with the Environmental Council and appropriate officials within and outside the College so that it can be used to formulate improved policies and programs.

e. design and coordinate environmental programs on campus as directed by the president.

2. Membership

Members are appointed to the Environmental Council as follows (continuing membership is encouraged):

a. Director of Environmental Affairs shall automatically be chair.

b. Campus Sustainability Coordinator shall automatically be vice chair and project coordinator.

- c. The president may appoint a member of the College community to serve as co-chair of the council.
- d. Seven student representatives shall be appointed by the Student Government Association, through the appointment process in the fall. If replacements are needed in the spring, this process will be repeated. The Environmental Council shall supply the SGA with selection criteria, students shall apply to the SGA, and an Environmental Council representative can sit on the interviewing committee without a vote.
- e. Three or four staff representatives shall be appointed by the Staff Council during the summer. The Environmental Council shall supply the Staff Council with selection criteria and recommendations and staff will apply to the Staff Council during the summer.
- f. Three or four faculty representatives shall be appointed by the Faculty Council acting as Committee on Committees in part of the regular faculty committee appointment process. The Environmental Council will supply the Faculty Council with selection criteria and recommendations.
- g. Members of the town community, or alumni, may be appointed to subcommittees in an advisory capacity on an as-needed basis.

Members are expected to attend Environmental Council meetings on a regular basis and actively participate on one or more subcommittees. Inactive members will be replaced.

C. Committee on Art in Public Places at Middlebury College (CAPP)

CAPP has existed since the fall of 1994, when the president and Board of Trustees entrusted it with the exhibition, purchase, and placement of works of art on the campus, apart from the Middlebury College Museum of Art.

1. Charge of the Committee

The Committee has been charged with achieving the following goals:

Establish a program of exhibition of art in public places to be administered jointly by the Middlebury College Museum of Art and CAPP.

Expand the educational mission of the Middlebury College Museum of Art, the Department of History of Art and Architecture, and the Program in Studio Art by providing interesting and challenging work of high quality, accompanied by an interpretive program to make works accessible to the non-specialist.

Elicit gifts and loans of works of art that can enhance the aesthetic and educational mission of the arts.
Involve a broad representation of the community in choosing, placing, and interpreting art in public places.
Designate the Center for the Arts and its grounds as a place for public art, as well as selected sites in other spaces on campus.

Provide funding for the purchase, installation, maintenance, and interpretation of works of art in public places;
Ensure the security and care of these objects.

2. Mandate and Operating Procedures for CAPP

The College has established a policy of "One Percent for Art;" that is, one percent of the total budget of any renovation or new construction at the College would be earmarked for the purchase, installation, maintenance, and interpretation of works of art in the public places associated with the building renovated or constructed.

The college shall undertake a concerted effort to acquire gifts of works of art, as well as monetary gifts leading to the acquisition, care, and interpretation of works of art in public places.

The College shall consider the audience for such works to be the entire College community and shall take into account the mission of the institution, which will be reflected in the acquisition, siting, and interpretation process. Works of art shall be acquired for exhibition in public places following the guidelines established by the Middlebury Museum of Art for the acquisition of art for its collection.

Distinctive works of art chosen or created for the public spaces of the campus will represent a broad range of artistic styles and be of sufficiently high quality to merit their inclusion in the College's permanent collection.

All works will be reviewed for site specifications, function of site, primary users of the site, site-specific maintenance and safety questions, and appropriateness of a loan or permanent placement.

Loans of works to be exhibited in public places will be considered, especially as they allow for experimental and challenging works to be shown.

The College will be fiscally responsible in accepting works for loan exhibition, reviewing financial and legal obligations regarding the acquisition of works of art, including covering artist fees, travel costs, transportation of work, site preparation, signage, potential repair and restoration costs, insurance and security costs, and costs for an educational program designed around the work and for publicity to introduce the work to the community. A budget for exhibition of works of public art on loan will be established before loans are accepted.

Bearing in mind recent legal discussions about the rights of artists concerning the discussion, alteration, and placement of works of art, the College shall take such ethical considerations into account when choosing and negotiating for works of art to be displayed in public places.

CAPP will have the right to deaccession works guided by the same standards used by the Collections Committee of the Museum.

3. Policy for the temporary exhibition of works of art on the Middlebury campus

CAPP does not presume any authority over works of art, photographs, etc., that faculty and staff place on view in their offices, that departments choose to install in their offices and teaching spaces, that students place in their rooms, that Commons choose for their lounges.

CAPP welcomes temporary installations in public spaces organized by departments or individuals. There is no need for CAPP to monitor short exhibits (three weeks or less), but such presentations must always be clearly labeled to indicate their source and the educational purpose that lies behind them.

CAPP, or the on-campus subcommittee of CAPP, which has been authorized to make practical decisions that are too cumbersome to be managed by the Committee as a whole, must approve any work or works to be placed on view for a longer period. (This subcommittee consists of the chair of CAPP, the director and assistant director of the museum, the director of the Program in Studio Art and the chair of the Department of the History of Art and Architecture.)

When a work or works are approved for temporary exhibition, the length of time it/they will be on view must be clearly indicated and stipulated in writing, indicating the agreement between the installer and the subcommittee. Normally, an academic year would be the longest time for such an exhibition. If the department or individual wishes, a request may be made at the end of the designated period to extend the exhibition, or to acquire the work or works for permanent installation. If CAPP does not approve the extension, the work or works must be removed.

Departmental Student Advisory Councils

a. Each academic department and program that offers a major will establish a Student Advisory Council (SAC). The department will make every effort to seek advice from the council on matters of new faculty appointments and curricular changes. The council may also initiate recommendations to the department.

b. Composition: The faculty, in consultation with majors in their department or program, will determine the size and composition of the Student Advisory Council. Majors will be eligible for election to the department's council in the spring preceding their junior and senior years, and at least one member will be elected in each department and program. Joint majors and independent scholars are eligible for election and are eligible to vote in one department of their choice. Elections will be held at the beginning of the fall semester. All prospective majors in the department or program are eligible to vote. Once the council has been elected, the majors will elect a chair from among the newly elected council members.

c. Meetings of the Student Advisory Council: The student chair of a department's Student Advisory Council will be responsible for calling two general meetings of department majors, one in winter term and the other in spring semester. Other meetings may be called by the chair at any time, and will be called upon request of five departmental majors or the chair of the department. At each meeting the SAC representative should address any concerns of departmental majors, as well as inform the majors of any news within the department. At the discretion of the SAC, additional meetings may be held throughout the year as needed.

d. Student Advisory Councils and Faculty Appointments: The SAC participates in all new faculty appointments within their department or program. The SAC is contacted by the search committee, which arranges a meeting with job candidates. The SAC should make an informal recommendation to the search committee.

e. Student Advisory Councils and External Reviews: SAC members participate in external reviews of their department or program. Along with members of the Student Educational Affairs Committee, they meet with the external review committee.

Student Government Association (SGA)

The Student Government Association is the vehicle through which students can participate in the formulation of institutional policy affecting academic and student affairs and collectively express their views on matters of general interest to the student body. The SGA makes student appointments to student, joint student/faculty, and trustee councils and committees. The SGA also allocates student activities fees and authorizes student activities for their eligibility to receive funds. The SGA provides services to the student body as deemed necessary.

The purpose, structure, and function of the SGA are set forth in the Student Government Association Constitution and By-Laws. Further information concerning the SGA and the committees to which it appoints students can be found in the *Student Government Association Guidebook*.

Senators are elected in the first month of school.

Students, faculty, and staff are all invited to contact any SGA officer.

CONSTITUTION OF THE STUDENT GOVERNMENT ASSOCIATION (as of August 2006)

I. Purpose: In an effort to broaden student discussion and representation on all issues, the students of Middlebury College have assembled this Student Government Association (SGA). This Student Government Association shall represent the student voice in every capacity.

II. Structure of the SGA: The SGA shall be composed of the Student Senate and the Presidential Cabinet.

A. Function of the Student Senate and Presidential Cabinet: To propose and pass all SGA legislation; to decide on issues relevant to the interests of the student body; to determine all official SGA positions, and to carry out all other duties as outlined in the Constitution and bylaws.

B. Voting Members of the Student Senate:

1. Commons Senators: Each Commons will elect one Senator. The Commons Senators are responsible for reporting to their Commons Council on a weekly basis. They also report relevant Commons' activity to the SGA as well as their weekly activity with relation to their job as a student Senator. All Commons Senators will attend all regular SGA meetings.
2. Class Senators: All Class Senators are expected to report the current concerns of their constituents to the SGA at each regular meeting. Additionally, each will report about their weekly activities with relation to their job as a student Senator.
 - i. First Years: Two full-year Senators.
 - ii. Sophomores: Two full-year Senators.
 - iii. Juniors: One full-year Senator; one fall/winter term Senator; one spring term Senator.
 - iv. Seniors: Two full-year Senators.
 - v. Senior February Students: One fall/winter term Senator.
 - vi. Freshman February Students: One spring term Senator.
3. House Senator: The IHC will have one Senator.
4. The Student Co-Chair of Community Council.
5. The President of the SGA.

C. The Presidential Cabinet: The Student Senate shall determine the structure of the Presidential Cabinet. Changes to the Presidential Cabinet require the majority consent of the Student Senate. The President of the SGA shall appoint the members of the Presidential Cabinet with the consent of the Student Senate. The bylaws of the SGA shall explain the duties and composition of the Presidential Cabinet.

D. Qualifications of Members of the Student Senate and Presidential Cabinet:

1. All positions are open to any matriculated student of the College.
2. Class Senators must be a member of the class they represent. Class Senators must be on campus for the duration of their office, with the exception of winter term.
3. Commons Senators must be a resident of the commons they represent for the duration of their office. Commons Senators must be on campus for the duration of their term, with the exception of winter term.

E. Vacancies

1. In the event that the President cannot fulfill the position of SGA president, the Student Co-Chair of Community Council will assume the dual role of SGA president and Student Co-Chair of Community Council only until a special election is administered to elect a permanent President.
2. In the event that the Student Co-Chair cannot fulfill the position of Student Co-Chair of Community Council, then the SGA President will assume all responsibilities of the Student Co-Chair of Community Council during the interim of his/her absence or only until a special election is administered to elect a permanent Student Co-Chair of Community Council.
3. In the event of a vacancy of any appointed office in the SGA, the president shall appoint a new officer, subject to proper ratification.
4. In the event of a vacancy on the Student Senate, the Elections Council shall hold an election to fill the vacancy.

III. Committees

A. Standing Committees: A standing committee is a committee that is stipulated by the SGA Constitution or bylaws. The Presidential Cabinet shall make all appointments to standing committees, subject to proper ratification unless otherwise stipulated. Standing committees must make a report to the Student Senate at least once per semester. The Presidential Cabinet shall advertise all committee positions before appointments are made.

B. Ad Hoc Committees: The Student Senate can create an ad hoc committee with a majority vote. These committees shall exist for a maximum duration of one year. Ad hoc committees may exist for a second year subject to majority approval of the Student Senate. After a period of two years, the Student Senate must decide to transform the committee with a majority vote into a standing committee or the committee must be dissolved.

C. Rules Concerning Committee Members:

1. Any member of the student body may serve on a committee.
2. A student may not serve on more than three SGA committees. The Presidential Cabinet is not an SGA committee.
3. Before any committee shall commence its work, the committee's members shall be subject to proper ratification, unless the committee must begin work before the first Student Senate meeting. Committee members must be ratified on a yearly basis.

IV. Ratification

A. The Ratification Committee shall ratify all members of the Presidential Cabinet and SGA committees unless otherwise stipulated.

1. Ratification Committee: The Ratification Committee consists of students Senators, elected by the Student Senate, excluding the President of the SGA and Student Co-Chair of Community Council. The committee self-selects their chair.
2. The Ratification Committee ratifies all nominations by a majority vote. The Chair shall vote only in the event of a tie.
3. If the Ratification Committee rejects a nominee, then the Presidential Cabinet must make a new nomination or appeal the decision. The appeal is made by the Presidential Cabinet to the Student Senate, and requires a three-fourths vote to overturn the Ratification Committee's decision.

V. Meetings

A. Speaker of the Senate. The Student Senate shall select the Speaker of the Senate by majority vote during the first meeting of the year. The Speaker of the Senate is a member of the Senate and is allowed to vote. The Student Senate can remove the Speaker of the Senate by a two-thirds vote.

B. Agenda: The President shall set the agenda for each Student Senate meeting, yet cannot block legislative items from the agenda.

C. Attendance: All members of the Student Senate must attend all Student Senate meetings. Members of the President's Cabinet will attend Student Senate meetings at the discretion of the President.

1. A member of the Student Senate missing more than two Senate meetings without proper excuse shall be removed from office.

D. Emergency Meetings: The President, Elections Council, or any five members of the Student Senate shall have the power to call an emergency meeting of the Senate.

E. Quorum: Quorum shall consist of half of the voting members of the Student Senate.

VI. Legislation

A. Any student may author legislation.

B. Only a member of the Student Senate may sponsor legislation.

C. Unless otherwise stipulated in the Constitution or bylaws, the affirmative vote of a majority of Senators present is required to pass all proposals.

VII. Elections

A. Elections Council: The Elections Council shall be responsible for running all SGA elections and referenda in accordance with the SGA bylaws.

1. The Elections Council shall consist of five members appointed by the Presidential Cabinet. The Director of Membership shall chair the Elections Council unless he is a candidate for office in which case the President shall appoint another member of the Cabinet to serve as temporary chair. No other members of the Presidential Cabinet or Senate shall serve on this committee.

2. The Elections Council does not require ratification.

B. President and Student Chair of Community Council: The President and Student Co-Chair of Community Council shall run on separate tickets. Upon completion of the eligibility requirements as defined in the bylaws, candidate petitions must be reviewed and confirmed by a majority of the SGA Senate before the commencement of campaigning.

C. Student Senators: Candidates for the Student Senate must meet all requirements defined in the bylaws and must receive

the permission of the Elections Council before commencing campaigning.

D. Violations of Procedures: If any candidate violates any election procedures, the Elections Council shall have the power to call a special meeting of the Student Senate. During this meeting, the Elections Council will make a recommendation to the Student Senate regarding the eligibility of the involved candidate. The Student Senate, by a two-thirds vote, may then nullify said candidacy.

VIII. Finance and Constitution Appeals

A. The Appeals Committee shall hear complaints and review decisions made by the SGA Finance Committee and Constitution Committee based upon criteria established in the Constitution and bylaws.

1. The Appeals Committee shall consist of the SGA President and four Student Senators. The four Student Senators shall be chosen at the first Senate meeting of the year by a majority vote of the Senate. The Committee shall select one of the Student Senators to be chair.

2. Two of the Student Senators, excluding the Committee Chair, shall be selected by the Committee to be appeals reviewers.

3. The Appeals Committee does not require ratification.

B. Student organizations have the right to file an appeal with the Appeals Committee once communication between said organizations and the Finance or Constitution Committee have been exhausted. The bylaws of the SGA shall detail the grounds by which an organization may make an appeal.

C. Student organizations have the right to a fair and impartial hearing before the Appeals Committee. The bylaws of the SGA shall detail the appeals process.

1. In the event that a member of the Appeals Committee is involved in any way with the case, they shall abstain from participation.

2. If fewer than four members of the Committee are eligible to participate, an additional Student Senate member shall be sought to fill the void.

D. Changes to Appeals Guidelines: The Student Senate may amend the Finance and Constitution Appeals Guidelines, as stated in the SGA bylaws, by a two-thirds vote of the Student Senate. Changes shall go into effect at the beginning of the next semester.

IX. Impeachment

A. Any member of the Presidential Cabinet or Senate shall be impeached when they violated the SGA Constitution or bylaws in a clear and intention manner. Proceedings shall be commenced by.

1. A written petition signed by one-quarter of a member's constituency to the Impeachment Committee.

2. A written statement by a member of the Student Senate or Presidential Cabinet that is submitted to the Chair of Impeachment Committee.

B. The Impeachment Committee shall examine any petition or statement given to it and recommend to the Student Senate whether or not the member should be removed from office.

1. The Impeachment Committee shall consist of three Senators chosen by majority vote of the Student Senate. The Speaker of the Senate, President of the SGA and Student Co-Chair of the Community Council may not serve on the Impeachment Committee. The Committee shall self-select a chair. The Impeachment Committee does not require ratification.

2. The Impeachment Committee procedures shall be outlined by the SGA bylaws. The Student Senate may change Impeachment Committee procedures by a two-thirds vote.

3. The accused shall receive a fair and impartial hearing before the Impeachment Committee. If a member of the Committee has brought the charges, said member must recuse himself or herself. In such a case, the Chair of the Impeachment Committee shall select another member of the Student Senate to replace said member.

C. The full Student Senate shall hold an Impeachment hearing if recommended by the Impeachment Committee.

1. The Speaker of the Senate shall chair impeachment proceedings. If the Speaker brought charges or is subject to charges, then the Senate shall choose a temporary Speaker by majority vote. Members of the Impeachment Committee may not serve as the temporary chair.

2. Removal from office requires a two-thirds vote of the Student Senate.

3. Impeachment hearing procedures shall be outlined in the SGA bylaws. The Student Senate may change impeachment guidelines by a two-thirds vote.

XI. Amendments

A. Constitution. Amendments to the Constitution of the SGA require the consent of the Student Senate and student body.

1. Amendments must first be brought before and consented to by the Student Senate.
 - a. Amendments are brought to the floor of the Senate in the same fashion as bills, with the exception that they are made available one week before they are voted upon.
 - b. Amendments must be approved by two-thirds of the Student Senate before a student body referendum is held.
2. Upon approval by the Student Senate, a student body referendum is held.
 - a. The Elections Council shall be responsible for conducting the referendum.
 - b. The referendum must be held within one month of Student Senate approval.
 - c. The student body must approve the amendment by majority vote of those participating in the referendum.
3. If approved by the student body, the amendment takes effect at the beginning of the next semester.

B. Bylaws: Amendments to the bylaws of the SGA require the majority consent of the Student Senate unless otherwise stipulated in the Constitution.

1. Amendments to the bylaws are brought to the floor of the Senate in the same fashion as bills, with the exception that they are made available one week before they are voted on.
2. If approved by the Student Senate, the amendment takes effect at the beginning of the next semester.

Middlebury College Staff Council Constitution

Article I. Name

The name of this organization is the Middlebury College Staff Council (hereinafter referred to as MCSC).

Article II. Purpose

The purpose of the MCSC is to help make Middlebury College a better place to work. The MCSC is elected by the staff employees, and acknowledged by the Board of Trustees, to establish priorities and implement planning for the staff. The MCSC's responsibilities include, but are not limited to:

- A.** Listen and respond to the ideas, opinions, problems, concerns, and grievances of staff employees, and consider other matters that require the MCSC's attention;
- B.** Organize data, staff views, and other information into reports, and formulate recommendations for actions, changes, and solutions, as required;
- C.** Convey reports and recommendations to the College administration;
- D.** Meet with the College administration on a regular basis to discuss reports and recommendations, seeking through mutual agreement to achieve improvements;
- E.** Report regularly to both staff and administration;
- F.** Pursue any other lawful action consistent with making Middlebury College a better place to work.

Article III. Members, Officers, and Elections

A. Membership

Voting membership of the MCSC consists of 10 Middlebury College staff employees. The executive vice president and treasurer (or designate) serves as a non-voting member. Voting members of the MCSC serve two-year terms, which begin on the first Monday after their election. Expiring terms are refilled by election. Each voting member serves on at least one MCSC committee and/or the MCSC Executive Committee.

One member of the MCSC is elected to represent the entire staff as a member-at-large.

Four members of the MCSC are elected to represent employee work groups. One member is elected from each of the following work groups:

Custodial Services Employees (those whose pay originates from the organization number 308013)

Dining Services Employees

Facilities Management Employees (those whose pay originates from the organization number 309606)

Library/ITS Employees

Five members of the MCSC are elected to represent campus work areas. These campus work areas are combined into five districts based on the chart of accounts and number of employees. One member is elected from each of the following campus districts:

District A, roughly those working in the Museum, Admissions,, Dean of Faculty

District B, roughly those working in Summer/Off Campus Programs or College Advancement

District C, roughly those working in Student Affairs, Center for Campus Activities and Leadership, Center for Counseling and Human Relations, Center for Teaching and Learning, Public Safety, Alliance for Civic Engagement, Chaplain and Scott Center, Health Center, Registrar, Institutional Research, and Vermont Campus Compact

District D, roughly those working in the offices of the President, Commons, Athletics, Americans with Disabilities Act, CIA, Davis UWC Scholars Program, Dean of the College, Institutional Planning and Diversity, International Student and Scholar Services

District E, roughly those working in the offices of the Treasurer, or Assistant Treasurer/ Director of Business Services and Student Financial Services, 51 Main Street

Position in an employee work group or campus district is determined by and subject to review by the MCSC Election Committee under the supervision and approval of the MCSC. Composition of campus districts is monitored and determined by the MCSC to assure balanced representation. Any change in individual districts will result in a rewrite/replacement of this section without necessitating amendment procedures.

Regular and "Time Limited" (a duration of work at least 9 months and a predetermined end date) Middlebury College staff employees, who are not voting members of the faculty, are eligible to participate in MCSC meetings, to vote in MCSC elections and to serve as elected MCSC representatives.

High school students or Middlebury College students working for Middlebury College are not eligible to be voting members of MCSC.

[Article III section A "Membership" revised March 2009]

B. Officers

A president, vice president, and co-secretaries are elected from among the voting members of the MCSC by its voting members. Each officer serves for one year and may be reelected. The four officers of the MCSC make up the MCSC Executive Committee.

a. The MCSC president presides at meetings of the MCSC, prepares the agenda for MCSC meetings, and casts a vote in case of a tie vote. In addition, the MCSC president is the official representative of the staff and the MCSC to the College president and the College community at large. The MCSC president also serves as the budget administrator for the MCSC budget, which is a regular College budget account. The president may choose to appoint any MCSC member to serve as budget administrator.. The MCSC president serves as an *ex officio* member of all MCSC committees.

b. The MCSC vice president presides at MCSC meetings in the absence of the MCSC president, provides general assistance to the MCSC president, and serves as the MCSC representative to the Community Council. In addition, the MCSC vice president oversees the development of grievance procedures and the periodic review of such procedures.

c. The MCSC secretaries share responsibility for the secretarial duties of the MCSC. Those duties include but are not limited to: taking minutes of each MCSC meeting and distributing these minutes to all MCSC members and to appropriate locations on campus; informing MCSC members and staff employees of the date, time, location, and agenda of MCSC meetings; maintaining the records of the MCSC; hiring a recording clerk, when necessary, to take the minutes of MCSC meetings. Allocation of secretarial duties is determined by the secretaries and the MCSC.

The MCSC Executive Committee meets annually with the executive vice president and treasurer to review general guidelines and practices for staff salaries and benefits for the purpose of recommending improvements in these areas. The MCSC Executive Committee meets periodically with representatives of the Board of Trustees and with the College president to address and discuss staff issues.

The MCSC Executive Committee is responsible for ensuring that part-time and full-time concerns are considered in addressing all MCSC issues.

When necessary, the MCSC Executive Committee may reassign duties among the executive officers. In the event that a member of the MCSC Executive Committee is unable to attend a meeting, another member of the MCSC may be appointed by the MCSC president to serve at that meeting. If a member of the Executive Committee resigns or is unable to continue in office, MCSC representatives will elect a new officer to complete the unexpired term.

C. Elections

MCSC elections are held annually in May.

The MCSC Election Committee, under the direction of the MCSC, develops election procedures, establishes election deadlines, conducts nominations and elections for MCSC representatives, validates the results, and resolves any problems that arise from the election process.

All voting is by secret ballot.

Nomination Procedure

a. Four weeks before the final election date, election procedures, including deadlines and nomination forms, are sent to all staff employees whose representatives are up for election.

b. The nomination forms for representatives of specific employee work groups or campus districts list the names of all eligible employees in that group or district and are distributed to members of that group or district only.

c. Staff employees may nominate one person from their specific employee work group or campus district.

d. In the case of the member-at-large, the nomination form provides space for one write-in candidate. A list of all staff employees eligible for nomination will be distributed. Nominations must be made from that list.

e. Nomination by official ballot takes place at least three weeks before the date of the final election.

f. A nominee may appear on one final ballot.

g. A nominee may decline to run for office.

Election Procedure

a. At least two weeks in advance of the final election date, the Election Committee sends out ballots to voting staff employees.

b. The staff employees who received the most nominations and agreed to run are listed on the ballot for each vacant representative's seat. Each ballot may list up to four nominees. The ballots also contain space for write-in candidates.

c. Staff employees may vote once within their employee work group or campus district and once for the member-at-large representative.

d. The candidate who receives the most votes for each vacant representative's seat in which they are eligible to serve is elected to the MCSC. In case of a tie, a run-off election will be held within a month between the highest vote-getters to determine a winner.

If an MCSC representative resigns or is unable to continue in office, another staff employee from the representative's employee group or campus district will be appointed by the MCSC to serve until the next regular election. In the case of the member-at-large, the appointment will be made from among all eligible staff members. When an election is held to fill the unexpired term of the resigned MCSC member, the nomination and election for the replacement will be held in the same manner as provided for in nomination procedure and election procedure above.

An MCSC representative may serve three consecutive terms, with a hiatus of two years before running again.

Recall Procedure

An MCSC representative may be recalled from office by the following procedure:

- a. A recall may be initiated by the staff employees in the employee work group or district that the MCSC member represents, provided that a recall petition is signed by one-third of the staff employees in that group or district. In the case of the member-at-large, a petition must be signed by 100 eligible staff employees.
- b. Upon receipt of the petition, the MCSC will conduct a recall vote within 30 days.
- c. The recall vote will be taken among the staff employees represented by the MCSC member for whom the recall has been petitioned.
- d. A simple majority of those voting in favor of a recall is required for the recall to take effect. If the required number of votes is not achieved, the MCSC member will remain in office.
- e. No MCSC member will undergo a recall vote more than once a year during his/her term of office.
- f. If the required number of votes for a recall is achieved, the MCSC will appoint a replacement in the same manner as provided for above.

Article IV. Committees

A. Standing Committees

Each standing committee operates under the authority of the MCSC and makes recommendations for action to the MCSC. In turn, the MCSC acts on committee recommendations, and reports to each committee the results of MCSC actions. Listed below are the standing committees and their specific areas of responsibility:

1. *Compensation Committee*: studies and reviews salary issues, benefits, leaves and vacations, job categories, and related subjects;
2. *Election Committee*: conducts nominations and elections for MCSC positions including written notification of election procedures and deadlines; validates election results; determines and reviews representation of employee groups with the approval of the MCSC;
3. *Publicity & Events Committee*: surveys staff employee opinions; publishes articles in Middlebury College publications regarding activities of the MCSC and staff employees; plans and coordinates MCSC activities and events (e.g. MCSC open meetings, picnics, parties);
4. *Staff Development Committee*: studies, develops and plans for workshops, on-the-job training, staff education/orientation, and related programs;
5. *Safety and Work Environment Committee*: conducts research and examines issues related to the campus as a workplace and worker safety.
6. *HR-6*: Comprised of three MCSC members and three HR employees whose purpose is to keep the lines of communication open between HR and Staff Council. The mission is to identify and develop recommendations for HR-related issue

Membership

- a. All staff employees eligible to participate in MCSC may volunteer for MCSC committees.
- b. The MCSC makes every effort to ensure that each MCSC committee includes representation from the various employee groups. The MCSC may recommend committee assignments when new committee members are needed. The MCSC reserves the right to limit the size of MCSC committees.
- c. Each MCSC committee includes a chair, vice chair, and secretary as provided below.

Leadership

- a. Committee chairs are approved and may be removed by the MCSC. They serve for one year as committee chair and may be appointed for a second year. While the chair may be, but is not required to be, a member of the MCSC, at least one elected

member of the MCSC serves on each committee.

b. The chair conducts the meetings of the committee. The MCSC representative conveys the results of each committee meeting to the MCSC and the results of each MCSC meeting to the committee.

c. Each committee elects from its membership a vice chair and a secretary.

i. The vice chair assists the chair in conducting the business of the committee and fills the duties of the chair if the chair is unable to do so.

ii. The secretary keeps the minutes of all meetings of the committee and distributes the minutes to all members of the committee and to the MCSC secretary. The secretary informs all committee members of the date, time, location, and agenda of committee meetings.

B. Ad hoc Committees

As the need arises, the MCSC may create ad hoc committees to deal with particular issues, and recommends the names of volunteers to serve on such committees. Once an MCSC ad hoc committee has dealt with the issue in question as directed by the MCSC, or, if the MCSC determines that the ad hoc committee is no longer needed, it is dissolved by the MCSC. If however, MCSC feels that a specific ad hoc committee is needed and would better continue as a standing committee, an amendment petition and vote will be held to make it a standing committee.

The chair of each ad hoc committee is appointed by the MCSC. The chair may be, but is not required to be, a member of the MCSC. During the period that the ad hoc committee is active, its chair reports to the MCSC as directed.

Each ad hoc committee has one or more members who are elected members of the MCSC.

C. Middlebury College Committees and Positions

The MCSC makes appointments or recommendations for appointments to College committees. These include, but are not limited to: Wage and Salary Review Committee, Human Relations Committee, Community Council, Community Judicial Board, Environmental Council, and Staff Appeals Panel. The MCSC also makes recommendations to the College president for the positions of ombudspersons.

Article V. Meetings and Records

A. Meetings

Annual Meeting

a. Within 30 days of the annual MCSC elections, an annual meeting of the MCSC is held.

b. At the annual meeting the MCSC elects its officers and appoints the chairs of standing committees. The MCSC also makes recommendations for committee assignments.

Regular, scheduled meetings of the MCSC

a. The time and number of meetings per year is determined by the MCSC.

b. A written agenda of each meeting is distributed by the MCSC secretary, or his/her designate, to MCSC members and to designated posting locations on campus during the week prior to the meeting.

c. Regular meetings are open to all Middlebury College staff members.

d. An executive session may be entered into at any time by a majority vote of the MCSC. Executive sessions are conducted in the following manner:

i. The motion to go into executive session indicates the nature of the business to be considered during the executive session.

ii. The executive session is limited to the consideration of the business for which the executive session was called.

iii. Attendance is limited to voting members of the MCSC and persons invited by the MCSC.

e. MCSC members are expected to attend all MCSC meetings and are to be compensated at their normal rate of pay. In addition, MCSC meeting time is counted toward the weekly total of hours in order to determine overtime pay for nonexempt employees. Overtime pay will be charged to the employee's department. Absences are to be made known in advance to the MCSC secretary.

Public meetings

a. On a regular basis, at least twice a year, the MCSC conducts public meetings for all staff employees to communicate the activities of the MCSC and to solicit input and reaction from the staff.

b. Public meetings are held at such times and places as to enable staff employees to attend. Notice of public meetings is made at least one week in advance.

c. Release time without penalty is provided to all Middlebury College staff employees for attendance at public meetings.

Special meetings

a. Special meetings of the MCSC may be called by the MCSC president at the request of any MCSC member or at the request of the College president.

b. The section on regular, scheduled meetings of the MCSC above applies to special meetings.

Conduct of meetings

a. The MCSC president conducts all meetings of the MCSC.

b. Two-thirds of the voting membership of the MCSC constitutes a quorum.

c. A majority of the MCSC members present is required to pass a seconded motion. In the case of a tie vote, the MCSC president casts the deciding vote.

d. Voting on all matters other than the election of officers is made by voice vote. A roll-call vote will be taken on any matter should a simple majority of MCSC members request such a vote.

e. Any member of the Middlebury College community may address the MCSC with prior permission from the MCSC president. Permission to address the MCSC is obtained at least one week prior to the date of the meeting.

f. *Robert's Rules of Order, Newly Revised* may be consulted as needed to maintain orderly procedure.

Content of meetings

a. Business for the MCSC's attention may originate from any member of the MCSC or the Middlebury College community in the following manner:

i. Through contact with an elected MCSC member.

ii. Through contact with an MCSC committee

iii. At the request of the College president

b. Regular meetings of the MCSC usually include the following:

i. Approval or amendment of the minutes of the previous meeting

ii. Reports from the MCSC committee chairs

iii. Old business and new business

iv. Opportunity for public comment

c. The MCSC may invite groups or individuals not affiliated with Middlebury College to address the MCSC.

d. Business at special meetings is limited to discussion of the matters about which the special meetings are called.

Committee meetings

a. Committee meetings are held as needed.

b. Committee meetings are open to all members of the Middlebury College staff. Notice of each committee meeting is posted at campus locations during the week prior to the meeting.

c. A committee may enter into executive session at any time by a majority vote of the committee members. Committee executive sessions are conducted as provided for in the section on regular, scheduled meetings of the MCSC, d. i. and ii. above. Attendance is limited to voting members of the committee and to those who are invited by the committee.

d. Committee members are expected to attend all committee meetings and are to be compensated at their normal rate of pay. In addition, MCSC meeting time is counted toward the weekly total of hours in order to determine overtime pay for nonexempt employees. Overtime pay will be charged to the employee's department. Absences are to be made known in advance to the committee secretary.

B. Records

The permanent records of the MCSC are maintained by the MCSC secretary in a secure campus location. These records include:

1. The MCSC Constitution and its amendments.
2. Minutes of all MCSC meetings.
3. Minutes of all MCSC committee meetings.
4. All correspondence and other documentation of the MCSC.

A permanent record is maintained by the secretary of each MCSC committee of

1. Minutes of all committee meetings.
2. All correspondence and other documentation of the committee.

Article VI. Amendments

A. A motion to amend this constitution must be accompanied by a petition signed by at least 50 Middlebury College staff employees who are eligible to vote in MCSC elections

B. The motion to amend must be stated on the agenda for the MCSC meeting at which the amendment is to be considered

C. A motion to amend must be passed by six of the ten voting members of the MCSC.

D. A special open meeting to explain the amendment will be held prior to the vote.

E. If the proposed amendment is passed by the MCSC it is put to a referendum vote for all eligible Middlebury College staff employees within 30 days.

F. A simple majority of those casting ballots is required for the amendment to be adopted.

Article VII. Dissolution

A dissolution vote will be held within 30 days of receipt of a petition signed by one-third of the staff employees of Middlebury College eligible to vote in MCSC elections. All eligible employees will be notified of the dissolution vote at least 10 days prior to the vote. If a simple majority of those casting ballots vote for dissolution, the MCSC will be dissolved.

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Middlebury

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Academics

Calendar

A. The Academic Year

1. The Middlebury College calendar is determined according to the following guidelines. The Calendar Committee may make reasonable adjustments within these rules to accommodate any specific year.

a. Fall Semester

i. Normally, orientation week begins the first Wednesday after the first Monday in September and classes begin the following Monday.

ii. The semester extends for 13 weeks, followed by a final examination period.

iii. There are two recess periods:

(a) Two days, usually during the sixth or seventh week

(b) Wednesday through Sunday of Thanksgiving week

b. Winter Term

Winter term begins between January 3 and 6, depending upon when New Year's Day falls. Winter term will consist of 20 days of instruction. The break between winter and spring terms will normally be a minimum of 11 days and a maximum of 16 days, but when this schedule necessitates beginning spring term classes in midweek the break may be reduced to 9 days.

c. Spring Semester

i. Spring semester classes usually start on the Monday after the winter break as defined above.

ii. The semester extends for 13 weeks, followed by a final examination period.

iii. There is a recess period of one week, usually after the sixth or seventh week of the spring semester.

d. Final Examination Period

The final examination period for fall and spring semester normally begins on the Monday following the end of classes. Normally, examinations are scheduled on the following Tuesday, Thursday, Saturday, Monday, and Tuesday. There are three examination periods on each day, except the first Tuesday, when there are two examination times, one in the morning and one in the evening. The spring semester examination period may be shortened to avoid having Commencement occur later than May 30.

No activities, athletic events (games or practices), course registration, additional or makeup classes will be scheduled for this period of time. All class activities must be concluded on the last day of classes. A thesis defense may be scheduled during the final examination period. Events that do not require student attendance may be held during exam week. However, no events requiring service support from Facilities Services, Media Services or Dining Events can be scheduled from Friday through Monday during exam week in May.

Degree Requirements

A. Degree Requirements

Candidates for the Bachelor of Arts degree must complete 36 courses. At least 18 of these courses must be Middlebury courses. Courses taken at Middlebury summer Language Schools or at the Middlebury Schools Abroad will count in the 18-course total and the grades will count in the undergraduate grade point average. No more than six courses with a D grade may be applied to degree requirements. A minimum of two winter term courses are required and a maximum of four winter term courses will count toward the graduation requirement of 36 courses. First-year students must be in residence for their first winter term and enrolled in a winter term course on campus. Specific requirements follow:

1. Residency. First-year students must be enrolled in a Middlebury course during their first winter term at the College. Residency in Middlebury, VT, for the fall and spring semesters of the student's senior year is required for all students unless excused by the Administration Committee.
2. A writing-intensive seminar for first-year students must be completed during the first year at Middlebury, normally during the first semester.
3. Each student must elect a second writing-intensive course during the second, third, or fourth semester at Middlebury. **A college writing course taken concurrently with a first-year seminar does not satisfy this requirement.** Writing-intensive classes devote special attention to the process of writing and revision and are designated in the *Middlebury College Catalog* as CW.
4. Each student must complete the distribution requirements described in **section B** of the "**Degree Programs and Projects**" section of this chapter.
5. Each student must complete a major as described in **section J** of the "**Degree Programs and Projects**" section of this chapter. Students matriculating in the Fall of 2009 and later must complete senior independent work. Minors are optional.
6. Each student must complete two physical education units prior to graduation unless excused by the Administration Committee, normally upon recommendation of the College Health Service. See the *Middlebury College Catalog* for details on physical education courses.
7. The normal pattern for earning the baccalaureate degree at Middlebury College is four consecutive years of study. The requirements must be completed within ten calendar years from the initial date of matriculation. If a student is not able to complete the degree within that time frame, s/he will be held to the curriculum and degree requirements listed in the Catalog in the year in which they are readmitted, or as determined by the Administration Committee.
8. Staff members at Middlebury College who are accepted as baccalaureate degree candidates* will meet all Middlebury College BA degree requirements in place at the time that the period of degree-candidacy begins, with the following exceptions:
(*Applicable to students matriculating in Fall of 2009 and after)
 - (a) The senior residency requirement is waived.
 - (b) The 36 course total may include, but need not include, up to four Winter Term courses.
 - (c) The staff member's ad hoc admission committee may consider proposed substitute courses for those required for distribution or for the major requirement when, in the judgment of the committee, such changes enable the applicant to achieve the goals of his/her or proposed program of study and when the proposed adjustments maintain the integrity of existing curricular requirements.

B. Advanced Placement Credit

Middlebury College cooperates with the College Board's Advanced Placement Program. At the discretion of individual departments, Middlebury College will award college credit for scores of 4 or 5 in subjects covered in the Middlebury curriculum in which Advanced Placement examinations are given. The registrar will notify first-year students and their advisers of advanced placement credits early in the fall semester.

1. One Middlebury College course credit will be awarded for each qualifying AP exam score. Two credits will be awarded in those instances in which the department has demonstrated to the Curriculum Committee that the AP examination adequately covers material in two separately numbered Middlebury College courses that students would normally take sequentially.
2. Advanced Placement credits may be used to anticipate course work at Middlebury. AP credits applied toward graduation will be counted toward the 16-course limit in the department granting the credit unless the department specifically states that the credits do not count toward the major. A maximum of five Middlebury College course credits may be accumulated through AP exams. A student may not register for a Middlebury College course that covers substantially the same material as an AP exam on which he or she has received a score eligible for credit as described above. Departments will be responsible for submitting to the registrar lists of these equivalent courses. In exceptional circumstances, the prohibition on registering for a course that is the equivalent of an AP exam may be waived by a department chair.
3. Advanced Placement scores must be reported directly to Middlebury College by the Educational Testing Service. In order for

Advanced Placement credits to count toward the 36 credit requirement for graduation, the examination **scores must be received no later than the end of the student's second semester at Middlebury College.**

C. Acceleration

With departmental approval, a student may propose an accelerated program to the Administration Committee.

In order to accelerate, students may apply extra credits taken at Middlebury, transfer credits, Advanced Placement credits, or a combination of them. A minimum of four extra credits are required to graduate a term early; seven extra credits are required to change the expected graduation date. Once a student is advanced in class standing, it is not normally possible to return to the previous class standing, and students must apply to the Administration Committee for approval.

D. The Physical Education Requirement

As part of Middlebury's degree requirement, each student must complete two different physical education courses prior to graduation. Each course carries one unit of physical education credit. Students may also earn one unit of physical education credit by participating in a season of varsity or junior varsity intercollegiate athletics. Two credits can be earned by participation in two different sports. PHED courses do not count in the total of 36 academic course credits required for graduation.

Students are encouraged to complete the physical education credits by the end of their fourth semester at Middlebury (excluding winter term). In the case of transfer students, students are encouraged to complete the requirement by the end of their second semester at Middlebury. Students who have not completed their requirement by the second semester of their senior year will not be eligible to graduate.

Degree Programs and Projects

A. First-year Student Seminars

First-year seminars are thematic courses that approach an area of intellectual inquiry from a perspective that attempts to make connections among a number of the traditional disciplines. Normally, a first-year seminar has an enrollment of no more than 15 students for each faculty member in the seminar. The first-year seminars have an intensive writing component. All entering students register for one first-year seminar. The instructor of this seminar is the first-year faculty adviser for all the students enrolled in the course. Normally, first-year seminars do not satisfy departmental major requirements. Exceptions to this pattern are published in the catalog of first-year seminars.

B. Distribution Requirement

All students must complete two sets of distribution requirements:

- (a) academic categories, and
- (b) cultures and civilizations.

Courses that count toward the major and the minor may be used to satisfy distribution requirements. Winter term courses, first-year seminars, and College writing courses may also be used to satisfy distribution requirements. .

Independent study courses do not qualify for distribution requirements. .

Students must take at least one course in seven of eight academic categories described below. Single courses can be listed with two distribution categories. A student may count a single course in no more than one academic category requirement.

1. Academic Categories

a. Literature (LIT)

Literature has been a central form of expression for many societies. Analysis and appreciation of the literary text give students insight into the minds and lives of other human beings, both their own cultural predecessors and people of different traditions, and into the process whereby human experience is imaginatively transformed into art. By studying literature in English and in other languages, students also sharpen their ability to express their own ideas with grace and precision.

b. The Arts (ART)

The understanding of the history, theory, and practice of the arts is an integral part of a liberal arts education. Courses in this

category either emphasize the creative process through the making and performing of actual works of art (ranging from paintings and sculptures to plays, dances, creative writing, film/video, and musical compositions) or study the place of such works of art within a particular historical, cultural, or aesthetic context.

c. Philosophical and Religious Studies (PHL)

Courses in this category examine philosophical systems and religious traditions from a variety of viewpoints, including analytical, systematic, historical, sociological, anthropological, and phenomenological perspectives. Some courses deal with specific philosophical problems or theological issues; others trace the history of philosophy or of religious traditions; still others examine philosophical schools of thought or religious traditions during specific periods of history.

d. Historical Studies (HIS)

History is that branch of knowledge that seeks to account for the diverse ways in which human beings in different cultures and societies have all met and responded to temporal change. Courses in this area study the development of societies and cultures over time.

e. Physical and Life Sciences (SCI)

Courses in this category study inductive and deductive processes of science. Emphasis is on the methods used to gather, interpret, and evaluate data critically, and the placement of this information into a larger context. Fundamental principles of each discipline are discussed in a manner that illustrates the evolving relationship of science, technology, and society.

f. Deductive Reasoning and Analytical Processes (DED)

Courses in this category deal with one or more of the following: (a) basic principles of reasoning and the axiomatic method; (b) statistical methods for analyzing and interpreting data; (c) key mathematical concepts; (d) abstract symbolic manipulation or reasoning.

g. Social Analysis (SOC)

This category deals with the analysis of the individual in society. Courses in this area involve the systematic study of human behavior and the processes and results of human interaction through organizations and institutions, both formal and informal. Social analysis can be undertaken from a variety of perspectives: inductive (using data to make generalizations about human behavior), deductive (using principles to search for and to develop new theories), and normative (using values to recognize important questions and to evaluate alternative answers).

h. Foreign Language (LNG)

Speaking, listening, reading, and writing in a language other than one's own exercise and expand the mind. Because of the close interdependence between language and culture, study of a foreign language helps one gain insights into other societies and ultimately one's own. Courses in this category include many, but not all, of those taught in a foreign language or which focus on texts in a foreign language.

2. Cultures and Civilizations Requirement

Middlebury College believes that students should have broad educational exposure to the variety of the world's cultures and civilizations. Because cultural differences are based upon, among other factors, geography as well as history, ethnicity as well as gender, issues pertaining to cultural difference are integral to most of the academic disciplines represented in the curriculum. Accordingly, Middlebury students are required to complete a cultures and civilizations requirement consisting of one course in each of the following four categories:

- a. AAL: courses that focus on some aspect of the cultures and civilizations of Africa, Asia, Latin America, and the Caribbean.
- b. CMP: courses that focus on the process of comparison between and among cultures and civilizations, or courses that focus on the identity and experience of separable groups within cultures and civilizations.
- c. EUR: courses that focus on some aspect of European cultures and civilizations.
- d. NOR: courses that focus on some aspect of the cultures and civilizations of northern America (United States and Canada)

A single course may be listed as fulfilling no more than two of the four categories above (as determined by the Curriculum Committee). If two of the four categories are listed for a single course, a student may choose which category the course will fulfill, but a single course cannot count for two categories. A student may, however, count the same course toward both an academic category requirement, and the cultures and civilizations requirement. Courses that count toward the major and the

minor, winter term courses, and first year student seminars may be used to satisfy the cultures and civilizations requirement.

College Board Advanced Placement credits may not be used to satisfy distribution or cultures and civilizations requirements.

C. Major Programs of Study

Students choose one of the following programs of study:

- (a) 1 major (departmental, joint, or interdisciplinary)
- (b) 1 major (departmental, joint, or interdisciplinary), 1 minor
- (c) 1 departmental major, 2 minors
- (d) 2 majors* (*either 2 departmental or one departmental and one interdisciplinary*), no minor (a student declaring two majors may elect a Teacher Education minor).

**A student who has declared two majors will have to choose to complete only one major should scheduling conflicts occur.*

A major requires a minimum of 10 fall and spring semester courses. Students may take no more than 16 fall and spring semester courses and, in addition, no more than two winter term courses in a major department or program.

Beginning with the Class of 2013, all students are required to complete senior independent work within their major.

[updated 23-Sep-2008; year changed from 2012 per 2013]

All students must officially declare a major by the end of the third semester. Any student who wishes to complete a second major must officially declare by the end of the fourth semester of study. After the fourth semester, students wishing to add a second major, or change majors, must petition and gain approval from the new department or program to ensure that the student can complete the major by the end of the eighth semester.

Some highly structured programs, particularly those involving study in the foreign languages or the natural sciences, are facilitated by a declaration of major by the end of the second semester.

A department may define standards for the admission of students to its major program. Students who do not meet these standards may be denied admission or may be admitted provisionally, pending demonstration of their qualifications for advanced work in the department.

Major/Adviser Declaration/Change forms are available in the Office of the Registrar and each of the Commons offices. The declaration form must be signed by the chair of the major department or program (or designee).

D. Change of Major

To change a major, a student must present an academic plan for completion of the new major or program to the adviser and chair or director (or designee) of the proposed major department or program. Upon gaining approval of that plan, the student must submit a Change of Major form to the Office of the Registrar, signed by the adviser and chair (or designee) of the proposed major department or program.

E. Joint Majors

To complete a joint major, a student is required to:

1. Secure formal approval from advisers and chairs (or designees) in both departments or programs. To gain that approval, the student is required to work with the chairs (or designees) of both departments or programs on an academic program for completion of the proposed joint major. The minimum requirements agreed upon, and the overall program, along with the combined total of 14 fall and spring semester courses, must be submitted in writing with the signature of the two department or program chairs (or designees) to the Office of the Registrar.
2. Complete a senior program which combines both majors and is agreed upon by the advisers and department or program chairs (or designees) involved. That senior work may include or exclude normal expectations regarding independent work and general examinations as appropriate.

A student declaring a joint major may not declare any other major.

F. Two Majors

To complete two separate majors (*either 2 departmental or one departmental and one interdisciplinary*), a student is required to:

1. Formally declare both majors according to procedures stated above, with the approval of the chairs (or designees) of both departments or programs.
2. Complete all the requirements for the major in each department or program. A course will meet the requirements of more than one major for the same student if that specific course is listed by number and name, in the college catalogue, as specifically required for both majors. Up to two courses implicitly or explicitly listed as generic or categorical requirements of both majors will also meet the requirements of more than one major for the same student. No other courses will be counted as satisfying the requirements of more than one major for the same student except by specific action of the Curriculum Committee and faculty.
3. A student declaring two majors may not declare any minors, with the Teacher Education minor as an exception to that rule.

G. Minors

Students may elect to complete one minor if they are undertaking one major (either departmental, joint, or interdisciplinary). A student may declare two minors if s/he is pursuing one departmental major. A student declaring two majors may not declare any minors, with the Teacher Education minor as an exception to that rule.

Normally, all students choosing to declare a minor will do so officially by the end of the Add period of the seventh semester.

Minors will consist of four to six courses, at least one of which must be at an advanced level.

Departments and programs may designate configurations of courses that will constitute a minor (or minors) for that department, program, or major.

Students may not self-design a minor.

Faculty may design interdepartmental minors in those areas of the curriculum in which a major is not offered.

Minors will be listed on students' transcripts.

A course may count toward a student's major or minor, but not toward both. A course counted toward one minor may not be counted toward an additional minor.

H. Independent Scholar Program

The Independent Scholar Program is designed to meet the needs of outstanding students who have clearly defined educational goals that cannot be fulfilled within the framework of a normal departmental or interdisciplinary major. Independent study, in consultation with faculty advisers, is a significant portion of the program. Application deadlines for the 2008-09 academic year are Monday, October 6 for fall review, and Monday, March 9 for spring review.

Eligibility: In order to qualify to be an Independent Scholar, a student must demonstrate a high level of scholarship. It is the normal expectation that students applying for Independent Scholar status be in their sophomore year with no fewer than 14 credits remaining, and that they will fulfill all requirements for the degree, using their approved Independent Scholar plan as their major course of study. Proposed INDE programs will be evaluated in light of feasibility, academic integrity, and demonstrated ability of the student. A successful proposal must articulate a fully developed program of study, and will demonstrate compellingly that the student's academic goals cannot be met through existing majors.

Application process: To be designated an Independent Scholar, a student must undergo a rigorous approval process overseen by the Curriculum Committee. The process begins with an interview with Dean of Curriculum Bob Cluss. The student must subsequently prepare and submit a well-defined program to the Curriculum Committee, covering a description of the aim of the program, the independent work, and the courses he or she proposes to take comprising the major. The proposal must be accompanied by a written endorsement of a faculty member who is willing and qualified to supervise the student, as well as an alternate faculty member. The Curriculum Committee will review all submitted materials, and if warranted, convene a meeting with the candidate and advisers. Final approval rests with the Curriculum Committee.

Oversight: The Curriculum Committee will solicit updates from each Independent Scholar twice a year. Changes to the program must also be submitted to the Curriculum Committee, and the faculty supervisor will cosign all registration materials. The Major Declaration form and Degree Audit forms will be signed by both the faculty adviser and Dean of Curriculum. Students who elect to withdraw from the Independent Scholar Program, or who have their independent scholar status withdrawn, may be allowed, at the discretion of the committee, to graduate in general studies, without a formal major in any department.

Senior work: The INDE 0800 is a cumulating experience for this program of study. This project brings together the course

work the student has completed and incorporates all aspects of the study into one final project. Students applying to be independent scholars are asked to provide an indication of possible INDE 0800 projects at the time that they submit their proposals. Students are able, however, to change the topic of their INDE 0800 project in order to respond to new interests and information acquired during the course of their study.

The INDE 0800 project is undertaken for one or two terms. Students who wish to be considered for honors must work with a thesis committee. Others may choose to work with an individual faculty member, usually the student's adviser. The choice of senior project is flexible. For example, with permission from the adviser, a student in the performing arts might want to incorporate a dance performance, musical composition, or some other feature as part of his or her course of study.

Honors: In order to be considered for honors, independent scholars normally must meet two criteria: a minimum average of B+ in courses taken towards the major and a minimum grade of B+ on the senior work component. The Registrar's Office oversees the first requirement and will inform the adviser of the student's eligibility. The senior work component must be evaluated by a committee of three faculty members (one of whom, at the adviser's request, may be a faculty member on the Curriculum Committee). Minimum thesis grades for each level of honors are B+ (Honors), A- (High Honors), and A (Highest Honors), but the determination of the appropriate level will be made by the committee.

For more information about this program, contact Bob Cluss, Dean of Curriculum.

I. 0500 Courses

The election of a 0500 project provides an opportunity for individual work in one's field of interest. It is a privilege open to those students with advanced preparation and superior records in their fields; exceptions are permitted only by the Curriculum Committee. The 0500 projects in a student's major or minor department must be approved by the department. Normally, they cannot be approved prior to the junior year. Those 0500 projects outside of the major or minor department must be approved by the chair of the department in which the work is to be done and by the Curriculum Committee. A student is limited to four 0500 projects in any discipline, not including winter term independent projects. Please refer to the section on Winter Term for information on proposing a 0500 project outside of the major or minor or on the web at [http://www.middlebury.edu/academics/acadaff/curriculum/Students+Independent+Study+\(0500+Work\).htm](http://www.middlebury.edu/academics/acadaff/curriculum/Students+Independent+Study+(0500+Work).htm). Required Independent Study and related forms are available from that page.

J. Senior Program

Beginning in the 2011/2012 academic year, all majors must include a program of **senior independent work**. Such work is required of all seniors. Departments may organize independent senior work to suit their needs under the general principle of encouraging students in independent work. Courses satisfying this requirement are designated by each department, upon approval by the Curriculum Committee, and may include any of the following:

- A thesis or independent research project
- The production of a creative work, for example a video, film, performance, play, or a musical composition
- Writing or directing a play
- A service-learning or community-based research project
- Tutorial seminars that are limited to 8 students and include significant independent work for each student. These seminars might be thematically oriented or may leave the focus of study to the specific students enrolled in the course. The latter option focuses on students initially discussing broad topics and methodologies in a class setting and then seeking specific guidance outside of class from one or more faculty members on a specialized topic within the discipline.

When senior independent work continues through more than one term, a grade of S (satisfactory) or U (unsatisfactory) will be submitted for each term of the project. When a final grade is recorded, the S or U will be converted to whatever final grade is reported.

In addition to senior independent work, departments may also offer a general examination. If given, the general examination becomes a fixed degree requirement and may count as one or two course units, as the department shall determine. It may receive a grade separate from that given to the senior independent work.

Normally, general examinations will be held in a student's senior year. In certain cases, students may take general examinations at the end of their junior year. All reexaminations must be taken at Middlebury under the supervision of those in charge of the major program. Prior registration for such examinations must be made with the commons dean and department chair.

Each department may, at its discretion and in accordance with its requirements, excuse students from final examinations in their major field if they achieve a specified grade in the general examination.

A maximum value of three course units may be assigned for senior work. Students not enrolled in the College will be charged a fee of \$150 for resubmission of senior work.

K. Graduate Courses

Graduate credit is granted during the academic year only in the Department of Biology. Graduate applicants are approved by the dean of the faculty or designee upon the recommendation of the chair of the Department of Biology.

Winter Term

A. Winter Term and Course Structures

1. Faculty and students are involved in only one academic credit bearing course during winter term, providing unique opportunities for study. Among these are extensive field work, independent study, internships, senior work, and interdisciplinary study. A minimum of eight contact hours per week is required for all winter term courses.
2. Departments are encouraged to designate winter term courses as acceptable for credit toward majors, minors, and distribution requirements.
3. Winter term courses may be integrated with fall or spring semester courses. A fall semester course may be a prerequisite for a winter term course, or a winter term course may be a prerequisite for a spring semester course.
4. All courses must be approved by the Curriculum Committee.
5. All members of the faculty not on leave or released time are expected to participate in an approved winter term course. Unless an exception is granted by the Curriculum Committee, enrollment will normally be limited to 22 students per instructor in any winter term course, 38 for a team-taught course unless special arrangements are made through the Curriculum Committee, and 18 for language courses (per instructor). The enrollment limit for a Winter Term course that satisfies the College Writing requirement will be 12 students.
6. Winter term courses are graded on an A-F basis unless special arrangements are made through the Curriculum Committee. The same grading system applies to all students taking a particular course for credit. Exceptions are internships (graded credit/no credit), student-led courses (graded credit/no credit), and occasional independent projects or other courses where the instructor decides that the special nature of the course is better suited to honors/pass/fail grading. All winter term course work must be completed by the end of the winter term. Grades of incomplete will be submitted according to existing procedures, and such work must be satisfactorily completed by the last day of classes of the following spring term.

Students who fail winter term courses, independent winter projects, or internships will be placed on probation and required to make up a course credit.

Theses, honors projects, and other work undertaken or completed during winter term as part of a larger project will be graded under the regular grading system, the grade to be based upon an evaluation of the project as a whole.

B. Student Options for Winter Term

Students are required to earn Middlebury credits during two winter terms. All first-year students must enroll in a winter term course their first winter term at Middlebury. This includes both September and February matriculates. The second credit may be earned by enrolling in a winter term course, a credit-bearing independent project, a credit-bearing internship, or by studying abroad and earning winter term equivalent credit. (A minimum of two and a maximum of four winter term courses will count toward the graduation requirement of 36 course credits.)

Independent Projects (0500 Work)

Students proposing independent work may select from the two following options in place of registering for a regular winter term course offering, as long as:

- This is not your first winter term on campus, and
- You have not completed more than two units of winter term independent work.

1. Independent (on-campus) work proposed as a continuation of a student's major or minor for winter term must be approved by the chair or director of that department or program. These proposals do NOT need to be submitted to the Curriculum Committee. *Deadline:* October 24, 2008.

Please Note: Off-campus independent work within the major or minor must be reviewed by the chair or director of that department or program AND must be approved by the Curriculum Committee.

2. Independent projects proposed outside a student's major or minor *must be approved by the Curriculum Committee*. Approved projects will be listed as 0500 courses which are preceded by the four-letter department designation of the faculty sponsor. The proposal form is available on the web at

http://www.middlebury.edu/academics/acadaff/curriculum/WT_Independent_Projects.htm Deadline: October 24, 2008.

All students wishing to pursue independent projects outside of their major or minor must obtain signatures from their faculty adviser, the faculty supervisor of the project, and the department chair. Proposals should clearly state the nature of the project, what the final, graded project consists of, date the final project will be submitted for grading, and all required signatures provided on the form. Independent projects are normally graded A-F. A request for the grading of an independent project honors/pass/fail must be justified in the application to the Curriculum Committee.

Study Abroad

Proposals for study abroad in an accredited program for winter term credit must be submitted to International Programs and Off-Campus Study in the Sunderland Language Center. These proposals do *NOT* need to be submitted to the Curriculum Committee. *Deadline: October 17, 2008.*

[updated 4-Sep-2008; reference to 'Office of Off-Campus Study' changed to 'International Programs and Off-Campus Study']

Opting Out of Winter Term

Students who elect not to participate in winter term **MUST** still participate in winter term registration by enrolling in the No-Credit, "Opt-Out" option. Students registering for this No-Credit option will not receive academic credit during winter term, and will not be eligible to remain on campus. This option is not available to students who are participating in their first winter term, i.e., students who entered Middlebury in the Spring or Fall of 2008. Students participating as a member of a Middlebury College winter team sport **MUST** be enrolled in an academic credit-bearing course during winter term.

Winter Term Internships

Internships involve significant, high-level exposure to and participation in the work of an established career. Mere by-standing is not sufficient, and a distinction is made between professional careers and work experience. In order for an internship application to be approved, the members of the Curriculum Committee must be convinced that the internship will provide the intern with either an opportunity to grow intellectually or a professional experience directly related to the intern's major or intended postgraduate career. Internships are available to sophomores, juniors, and seniors. Routine office experience, clerical work, or the continuation of a summer job or internship is not suitable. According to Middlebury College policy, internships for academic credit are unpaid career experiences, although students may receive a stipend towards their living expenses.

Credit toward Middlebury graduation requirements cannot be granted for internships done outside the time period of the winter term. Students applying for internships must be in good academic standing. A student may not repeat the same winter term internship for credit. A maximum of two internships may be taken during any student's four-year college career. A second internship must be substantially different from the first. Generally, the Curriculum Committee will not look favorably on an application that involves work in the same organization as an earlier internship, or work that involves repeated application of the same skills and experiences used in an internship previously completed.

The Curriculum Committee has established a list of pre-approved internships undertaken by students in previous years, which will not require additional approval by the committee. Students interested in these internships, as well as in submitting those of their own design, should contact the Career Services Office. Application for all internships must be made in writing to the Career Services Office. The deadline for submitting applications to the Career Services Office for January 2009 internships is Friday, October 24, 2008.

Applications for internships other than those established by the Curriculum Committee shall contain a clear and well-supported statement describing how the internship relates to the student's educational program. Proposals that involve the association of a student with a close relative will require clear evidence of educational merit. The relative may not function as the intern's supervisor. If the internship is to be undertaken in a foreign country, the committee will expect competence in the language of the country.

The work supervisor must provide a clear statement of the responsibilities of the intern and how the intern will be evaluated.

Internship proposals must be endorsed in advance by the student's faculty adviser and approved by the Career Services Office in consultation with the Curriculum Committee. The faculty adviser's endorsement indicates the internship is viewed as appropriate to the student's educational objectives. All applications must also be endorsed by the member of the faculty or administrative staff who will serve as the academic sponsor of the internship. The academic sponsor will recommend a grade of credit or no credit on the basis of the intern's written work, either in the form of a journal or a substantial paper, determined in advance by the academic sponsor. The student shall also file a three-to-five-page summary report on the internship with the Career Services Office. These reports will be placed in a file to be consulted by students considering internships in the future. An evaluation by the intern's supervisor is also required at the end of the internship in order to assure credit is posted to the intern's transcript.

Winter Term Student Led Courses

Proposals for student-led courses may be submitted to the Curriculum Committee. Such proposals will ordinarily originate with a student or group of students. The proposals must be reviewed and supported by a department or program prior to their

submission to the Curriculum Committee. The participants in a student-led course are normally presumed to have studied at the college level in areas relevant to the proposed course. However, some student-led courses may be designed to provide an intensive introduction to a new area. The number of participants in student-led courses may normally be no smaller than five and no larger than 12.

The department supporting the course endorses the student leader, who will organize and conduct the course and propose its syllabus. The department shall designate a faculty supervisor. Student leaders shall consult with the faculty supervisor on a regular basis. The faculty supervisor shall determine credit. These courses are graded credit/no credit. Student-led courses are subject to the following restrictions:

a. The proposal shall be submitted to the Curriculum Committee by the end of the second week of the fall semester. Deadline: September 19, 2008.

b. A proposal must include a departmental recommendation of the course and its leader, a detailed syllabus, and a list of interested students who will participate in the course if it is offered. Proposed work assignments and meeting schedules must also be submitted.

c. If the student leader drops the course, it will be canceled automatically.

C. General Procedures for Winter Term

1. The Curriculum Committee is responsible for the general administration of the winter term academic program.

2. A minimum of two and a maximum of four winter term courses will count toward the graduation requirement of 36 credits. Upper class students with sufficient credits may elect not to participate in winter term, but no student may remain on campus during winter term unless he or she is enrolled in a winter term course, credit-bearing independent project, on-campus internship, or off-campus internship in the local community.

3. A student must be in residence and enroll in a regular winter term course during his or her first winter term. This includes both September and February matriculates.

4. Each winter term course proposal should contain the following items: title, description, class format, prerequisites, maximum effective size, budgetary requests (if any), and recommendations concerning credit toward departmental, academic distribution, and cultures-civilization distribution requirements.

5. The Curriculum Committee may make or suggest adjustments in proposed courses in consultation with the departments concerned.

6. A department normally may require its students to take no more than one of its winter term courses, in addition to winter term senior work, during four years. Students are urged to take winter term courses in substantially different academic areas in their first and second years. Over four years a student may take no more than three winter term courses in one department, and no more than two winter term courses, in addition to winter term senior work, in his or her major department. A student may take up to four interdepartmental winter term courses during these four years.

7. Winter term course registration and subsequent changes in it are subject to the following regulations:

a. Students complete their registration during the registration period in early November. Students who are not on campus during the fall semester may register for the winter term online in BannerWeb during the online winter term registration period.

b. Changes in course registration may be made only during the first three days on which classes meet during winter term. Due to time constraints during winter term, late adds are automatically charged a late fee of \$35.

c. A student who misses the first class of winter term must be excused by a Commons dean or it will be assumed that the student has dropped the course.

d. The registration windows for Winter Term open as follows: (1) students with 8-16.99 credits earned; (2) students with 3-7.99 credits earned; (3) students with 17-36+ credits earned.

Transfer Courses and Off-Campus Study

A. Transfer Courses

Students may transfer course credits from other U.S. institutions of higher education only at the discretion of Middlebury College. Students should obtain preliminary approval for a course for which they expect transfer credit before enrolling in it.

Students should complete in advance a Transfer Credit Application form, requiring approval by the appropriate department chair or program director and the Dean of International Programs. The form should be accompanied by a complete course description and a syllabus, if available; further information about the institution may also be required by the chair or dean. Transcripts from approved educational institutions must be official and sent directly from the institution that granted credit. Grade reports, unofficial transcripts, faxed or hand-carried transcripts are not acceptable.

To receive credit the transfer course should normally be above the introductory level at the institution attended and carry at least three semester-hour credits or five quarter-hour credits. Only courses that meet for a period of four weeks or longer and at least the same number of class hours as an equivalent Middlebury College course are eligible to receive credit. A student may only transfer two courses per summer session and a maximum of four summer courses over two sessions. Only courses with a grade of C- or better may be transferred from another institution toward the Middlebury degree. Courses graded on a pass/fail basis do not transfer. Transfer credits may be used to satisfy the distribution and cultures/civilizations requirements if the transfer credit is considered by the appropriate Middlebury department to be the equivalent of a Middlebury course that would satisfy one or more of those requirements. After students matriculate at Middlebury College, they normally may not take two-year or community college courses for credit towards a Middlebury degree. College courses taken in high school applied toward a high school diploma or in a college/high school cooperative program are not transferable. Only courses taken on college campuses, taught by college professors, for college students, and for which there are official transcripts may be considered for transfer.

Transfer work from U.S. institutions will be evaluated on a course-by-course basis to determine the fulfillment of Middlebury departmental and College requirements. The major European examination certificates, such as the French Baccalauréat, International Baccalaureate, Swiss Maturité, Artium Examination, British A levels, and German Abitur, are normally considered to have a value of one full academic year if students receive scores that indicate excellent performance. Students who receive such credit may not then receive credit for Middlebury introductory courses in subjects covered on the examination.

All transfer course work completed off campus, whether in the U.S. or abroad, must receive final approval by the dean of international programs. When courses taken prior to matriculation at Middlebury, during summers, or while withdrawn from the College are transferred, the credit is recorded but not the grade that was awarded. Students on a post-matriculation semester or year-long study abroad program must have the program approved by the Programs Abroad Committee prior to their study abroad to receive Middlebury credit. Students will not receive transfer credit for non-approved study abroad programs.

B. 0555 Courses

Students may receive one course credit for highly specialized advanced work (designated 0555) relating to their major field with prior approval and subsequent evaluation by their major department. This work will normally be unpaid, done in the summer or when a student is not regularly enrolled, and will be graded credit/no credit.

The 0555 courses are not summer 0500 projects; they involve high-level research under professional supervision. Research must result in material that can be evaluated by a Middlebury faculty member. All 0555 projects must be approved in advance by the Administration Committee. A fee of \$100 is charged for 0555 courses.

C. Off-Campus Study/Junior Year Abroad

Off-campus study provides students opportunities to further develop their language skills and/or assimilate the culture of another country; or it can give access to academic programs, cultural resources, or natural environments unavailable at Middlebury College. More than half of each Middlebury class studies abroad in the junior year, and some 65 percent of these students take courses in their discipline in the language of the host country and/or engage in advanced language study. To ensure a sense of purpose, students should clearly define academic and personal goals, possess adequate competence in language and other pertinent skills, and select an appropriate school and setting. Students who plan to study abroad, whether as part of a language, international studies, or other major, should consider beginning or continuing language study in their first semester at Middlebury.

Juniors wishing to study with the C.V. Starr-Middlebury Schools Abroad programs in China, France, Germany, Italy, Latin America, the Middle East, Russia, or Spain should consult with their academic advisor, the appropriate language department and International Programs and Off-Campus Study. These programs are open to all qualified students.

The Off-Campus Study committee considers student applications for direct enrollment in selected overseas universities, as well as certain junior year abroad programs established by other American colleges and universities. In granting permission for a junior year abroad program, Middlebury agrees to grant full equivalent credit on successful completion of the program. Interested students should consult with International Programs and Off-Campus Study for further information. Descriptions of programs, catalogs, and application forms are available in that office.

Students studying on approved junior year abroad programs are charged an administrative fee. For 2008-09 this fee is \$1,050 per semester. The purpose of the fee is to help offset administrative costs associated with off-campus study, including advising, application to and approval by International Programs and Off-Campus Study or the Off-Campus Study committee, assistance with registration and room draw while abroad, coordination with and oversight of off-campus programs, and awarding of credit.

Students approved for junior year abroad must maintain a satisfactory academic average. Should they not remain "in good standing," permission will be rescinded.

Grades for courses taken on approved programs abroad and in approved programs of domestic off-campus study are recorded on the transcript and included in the calculation of the grade point average. International Programs and Off-Campus Study is responsible for converting grades issued on other grading scales to the Middlebury A-F grading system.

For more information about study abroad requirements, students can check the guidelines posted on the study abroad home page <http://www.middlebury.edu/academics/ump/sap>, as well as in the catalog entries for individual language departments, or they may stop by International Programs and Off-Campus Study.

Financial aid is available for all C.V. Starr-Middlebury Schools Abroad programs and a small number of other Middlebury approved programs. Students with questions about the availability of financial aid for specific programs are encouraged to consult the study abroad guidelines, available at International Programs and Off-Campus Study in Sunderland or on that office's Web page (see above). Questions about the process of applying for and receiving aid for approved programs can be answered by the staff of the Office of Financial Aid.

D. Pre-professional Combined Plans

Combined-plan students enroll in approved professional school programs after three years at Middlebury and become eligible for a Middlebury bachelor of arts degree upon successful completion of the first year of an advanced professional degree program or upon receipt of a bachelor-level degree in the professional discipline, and completion of all Middlebury degree requirements. Middlebury students have had arrangements with several schools of engineering and nursing. A student may propose and arrange a combined plan with another accredited professional school in medicine, dentistry, or veterinary medicine. Interested students should contact the chair of the pre-professional committee early in their college careers and no later than fall semester of the junior year.

E. Washington Semester Program

Selected students each year spend one semester in the national Washington Semester Program administered by American University. Interested students should contact International Programs and Off-Campus Study. Financial aid is available for this program.

F. Williams College-Mystic Seaport Program in American Maritime Studies

As many as six Middlebury students a year may spend a semester studying the human relationship with the sea at the nation's leading maritime museum. Interested students should contact International Programs and Off-Campus Study. Financial aid is available for this program.

G. Exchange Programs

Middlebury maintains exchange programs with several colleges, including Berea College and St. Mary's College of California during winter term and Spelman College and Swarthmore College during fall and spring semesters. One-to-one exchanges may be arranged with other colleges during winter term as authorized by International Programs and Off-Campus Study. Questions about the availability of financial aid for these programs should be directed to the Office of Student Financial Services.

H. Semester at Woods Hole Marine Biological Laboratory

Students of biology and/or environmental studies with a science focus may elect to spend the fall semester at the Woods Hole Marine Biological Laboratory. They may obtain four units of credit for: Aquatic Ecosystems (with lab), Terrestrial Ecosystems (with lab); Mathematical Modeling or Microbial Ecology, Science Writer's Seminar, and an Independent Research Project. Students should consult the biology department and International Programs and Off-Campus Study for more information about this program.

[updated 4-Sep-2008; references to 'Office of Off-Campus Study' changed to 'International Programs and Off-Campus Study']

Course Registration and Conduct of Courses

A. Registration Procedure

Students register for fall, winter, and spring courses using the online registration system. Registration information is communicated to on-campus students prior to the registration period, which consists of an advising period, a practice round, and a real-time registration round. Students who are away from Middlebury and are expected to return for a specific semester receive email reminders as well as printed registration information prior to registration.

B. Course Load

A student's normal program consists of four courses in the fall and spring semesters and one course in the winter term. A

minimum of two and a maximum of four winter term courses will count toward the graduation requirement of 36 courses. First-year students must be in residence for winter term and enrolled in a winter term course. Full-time students must take at least three courses per semester. Students who need only one or two courses to graduate may apply to the Administration Committee to become a special student. (See *"Student Status" section of this chapter.*)

Students other than seniors may register for a fifth course during the fall or spring semester only with specific approval of their advisers and the dean of their commons during the drop/add period using the special orange add card. Normally, this permission is granted to students who have maintained an average of B or better in the two preceding semesters. Normally, first-year and other new students are not allowed to register for more than four courses. Seniors may register for five courses during the add period without their dean's or adviser's approval, using the orange fifth course add card. The comprehensive fee remains unchanged for a three-, four-, and five-course program.

First-year students are encouraged to explore a range of subjects. In their first semester they may not take two courses in the same subject, may not register for more than one first-year seminar, may not receive CW credit for a CW course taken concurrently with the first-year seminar, and may register for only one beginning language in the fall term. In their second semester, first-year students may register for two courses in one subject with their adviser's approval.

C. Auditing

With advance permission of the instructor, a regularly enrolled student may audit other classes. The instructor establishes the conditions under which the student may audit. A student may request official audit status, in which case the course will be recorded on his or her transcript with "AUD" in the grade column. In order to obtain official audit status, the student must make a request to the instructor, and they must agree in writing on the conditions of satisfactory completion. Students must register for audited courses during the normal add period. After the end of the drop/add period, no student may change his/her audit status without approval from the Administration Committee. In no case may the student receive credit for auditing.

Non-students may audit courses only with the permission of the instructor and the dean of the faculty or designee. In such cases there is no official audit status and no record is kept.

D. Change of Course Registration

Immediately following the online registration period and through the end of the second week of the fall and spring semesters, course additions may be made if the student has the consent of his or her adviser and the instructor of the course into which the student wishes to enroll. Students must turn in their add cards by the end of the second week of classes.

Students may not add a course after the deadline. Petitions for exceptions to this rule will be considered by the Administration Committee, and, if approved, a charge of \$35 per add will be assessed. A student may withdraw from a course without receiving a failing grade up to the end of the fifth week of the semester.

After the fifth week of classes, a student may petition the Administration Committee in writing to withdraw from a course for exceptional personal or medical reasons. The petition should be endorsed by the student's Commons dean. If permission is granted, the course will be removed from the student's transcript; if it is denied, the student will remain on the roster for that course. Withdrawals for other reasons are not permitted after the end of the fifth week. A student may also petition the Administration Committee to correct the student's enrollment if the student provides written confirmation from the instructor that the student did not attend the class. If permission is granted, a charge of \$35 per dropped course will be assessed. A student who fails to complete the work of a course will receive a failing grade in that course.

During winter term, course changes are made by the same procedures, but the drop/add period ends at the end of the third day of classes during the winter term. Requests to add a winter term course after this deadline are automatically charged the late fee of \$35.

Students who add a class late do so at their own risk. They will not be permitted to use a late start as the reason for dropping a course after the deadline.

E. Size of Classes

Fall or spring semester course enrollment may not be limited or cut off during registration without permission of the dean of the faculty or designee. This restriction does not apply to first-year student seminars, College Writing courses, seminars, language and laboratory sections, and studio courses. Department chairs are responsible for ensuring that there are an adequate number of openings for incoming first-year students in September and February.

A list of all courses in which six or fewer students are enrolled shall be referred to the dean of the faculty or designee after completion of a registration period. The advisability of offering such courses for the current semester will be discussed promptly with the department chair involved. Enrollment in winter term courses is limited. (See *"Winter Term" section of this chapter.*)

F. Class Meeting and Scheduling

Instructors are expected to conduct classes at the time and place scheduled. Regularly scheduled classes are not held between the hours of 4:15 p.m. and 7:30 p.m. Evening classes are permitted on Monday, Tuesday, and Wednesday. Evening classes on other nights must be approved by the dean of the faculty or designee. No intercollegiate athletic contests will be scheduled for Monday evenings.

Individual faculty requests for changes in the published schedule and other requests for use of classrooms must be approved by the course scheduling specialist before such changes take place.

Most courses meet for three hours per week with the exception of laboratory, drill, and discussion meetings. Department chairs are responsible for ensuring that scheduling information is included on the department course information forms.

G. Attendance

Individual instructors set attendance policies. They should announce these policies during the first week of classes. A student's grade in a course may be reduced for nonattendance.

The Commons deans are charged with the responsibility of granting substantiated excuses for absences from class if warranted by compelling personal circumstances, observance of religious holidays, illnesses, or injuries. Please note that dean's excuses for class absences are granted only under exceptional circumstances, or where there are repeated or prolonged absences involved. Most concerns about class absences should be worked out between the individual student and the faculty member, in the context of the faculty member's own policies on class attendance. The Commons dean may provide an "Explanation of Absence" for athletic absences.

A student who is absent from a pre-announced examination without excuse receives a failure for the examination and is not granted the privilege of making it up.

A student who fails to attend the first two hours of class loses his or her space in the class, unless excused in advance.

Guidelines for Handling Athletics-Explained Absences

The list of scheduled athletics contests you receive several times a year from the director of athletics has been approved by the Athletic Policy Committee of the faculty (APC) acting under guidelines set forth in the *Middlebury College Handbook*. This list tells you when legitimate absences from class may be expected by students because they are involved in a sanctioned athletic event scheduled for that date. The APC regards these lists as informative. They are an *explanation* for an absence, but they do not imply that the student is excused from the obligations of a course or the class work missed.

Although faculty members are expected to make their policy on course attendance clear at the beginning of each course, it is the individual student's responsibility to consult with his or her instructor as to the effect of explained absences.

To the Professor:

Please read the guidelines for students and coaches in the following sections regarding "Explained Absences." Note that it is the student's responsibility to approach you in the first week of the course to identify possible conflicts between their athletics schedule and your course. However, it would be helpful if you, during the first week of classes, remind students of their obligation.

How you handle missed work is entirely up to you. However, it is the College's policy that athletics are an important part of a student's life at Middlebury. There are a number of possible solutions to missed work. For example, if a lab or discussion is missed, the student may be able to attend a different section meeting. If a paper is due, ask that the paper be handed in prior to the student's leaving. If a lecture is to be missed, you may permit the student to record the lecture (with assistance from another student). We do recognize, however, that there are cases for which there is no satisfactory make-up possible. Please do your best to accommodate the student without sacrificing academic rigor.

After a student has approached you, please:

1. Identify work that will be missed.
2. Do your best to find a solution to missed material.
3. Communicate your decision clearly to the student. When a student has approached you at the beginning of a semester regarding conflicts, it is your responsibility to communicate your decision on missed work before the end of the drop/add period.

Please note that if a student is involved in a winter or spring season sport, they may not be aware of scheduling conflicts until the semester or term is underway. Again, it is the student's responsibility to approach you as soon as his or her schedule is set to make arrangements regarding missed work, and it is your responsibility to communicate in a timely manner your decision on how to handle the missed work.

Additionally, at the beginning of the semester, you are encouraged to make students aware of any important class activities that will fall outside the normal class schedule of Monday-Friday 8 a.m.-4:15 p.m. and Monday, Tuesday, and Wednesday 7:30-10:25 p.m.

Note that missing a regularly scheduled class for a practice in no way constitutes an explained absence and is not expected or mandated by coaching faculty.

To the Student:

You should be given a list of dates and times of scheduled games by your coach no later than the first day of classes in any term or semester in which you are involved in a varsity/junior varsity sport, or in the case of winter or spring season sports, by whichever comes first, the first preseason meeting or the first day of practice (November 1 for winter, February 15 for spring). Compare each class schedule with your schedule of games. For any course in which you see a potential conflict between academic and athletic schedules, it is your responsibility to contact the professor during the first week of class, or as soon as the scheduling conflicts are known (for example, in the case of winter season sports that begin late in the fall term) and:

1. Identify times of conflict.
2. Together arrive at an understanding of how missed work/class might be made up.

Please note:

1. Professors will do their best to accommodate your needs within reason.
2. The professor will make the final decision as to how the missed work is to be made up. In cases where you approach the professor at the beginning of term, it is the professor's responsibility to arrive at this decision in time for you to drop/add if her/his decision is unsatisfactory to you. There are some cases for which there may be no satisfactory makeup possible.
3. Conflicts with official practices are also possible in the case of special class events, such as a guest lecturer. In such cases, you should discuss the situation with both your professor and your coach, and make a decision with full understanding of the ramifications of your decision.
4. Conflicts should be resolved through discussions between yourself, your professor, and your coach. If there are difficulties, you may consult with your Commons dean.

Note that missing a regularly scheduled class for a practice in no way constitutes an explained absence and is not expected or mandated by coaching faculty.

To the Coach:

Please read the statements for the students and the professors on the preceding sections and note your role in this process. We ask you to:

1. On or before the first day of each semester, or at the start of the season, give each student on the team you coach the list of contests that conflict with the normal 8 a.m.-4:15 p.m. Monday-Friday and Monday, Tuesday, and Wednesday 7:30-10:25 p.m. class hours.
2. Remind students that it is their responsibility to contact each of their professors and identify potential time/work conflicts.
3. Explain to the students that there may be times when a practice needs to be missed for special class events (such as a guest lecturer). In such cases, the student should inform you of the potential conflict and discuss it with both you and the professor. It is important that students be able to make such decisions concerning conflicts with full information as to the ramifications of their decisions.
4. There will be times when it is in the best interest of the student to attend class rather than a game, and we encourage you to support the student in such a case.

We believe that your role as a coach is very important. Students often look more to their coaches than to their professors for guidance on these issues. It is important that you understand the College policy and do your best to help resolve conflicts between these two very important, but sometimes competing, aspects of students' lives at Middlebury.

To the Captains:

As a team leader, you should encourage your team members to meet with professors to discuss possible scheduling conflicts.

Please ensure that your team members are aware of these guidelines on explained absences and understand that the process is one of negotiation among the coach, student, and professor.

H. Class Lectures and Presentations

Classroom lectures or presentations at the College are the intellectual property of the individual professor, Middlebury College, and/or both. The copying, publication, or distribution of any transcripts, audio tapes, or video tapes of such lectures or presentations without prior written approval of the individual professor is prohibited.

I. Religious Holidays

Middlebury College recognizes that the student body includes adherents of many faiths and that observance of religious holidays is an important part of religious practice for many students. The following policies have been established in order that students at Middlebury will not suffer academic penalties because of the conscientious observance of religious holidays:

It is reasonable to consider major religious holidays for the Middlebury student body as a whole to include the following: Rosh Hashanah, Yom Kippur, and the first day of Passover; Good Friday and Easter Sunday; Eid al-Fitr and Eid al-Adha. Examinations should not be scheduled and papers should not be due on any of these holidays. Absences from class on these days because of observance of the religious holiday will be treated as excused absences. In addition, no student will be required to participate in or attend College events such as athletic contests, concerts, or outside lectures on these holidays.

The Office of the Dean of the College will include the dates of these major religious holidays on the academic calendars that are distributed to the faculty and published in the *Middlebury College Handbook*, the *General Catalog*, and on the College's Web site. These calendars will indicate those instances in which the religious holiday begins on the previous evening.

Students whose conscientious religious observance requires their absence on days other than or in addition to those named above may make use of the following procedure prior to the holiday: The student should submit written notification of the pending religious holiday to his or her Commons dean at least one week before the holiday. The Commons dean will then inform the instructors of the student's courses that the absence on the religious holiday will be regarded as an excused one. Under these circumstances, a student missing an examination will be permitted to take a makeup exam without penalty, and a student with a paper due on a religious holiday will be permitted to submit that paper on the day immediately following the holiday, again without penalty.

Evaluation of Student Work

A. Evaluation of Student Work

In all courses, instructors are expected to require a sufficient amount of written and/or oral and/or practical work so that both the instructor and the student are able to evaluate the student's progress in the course.

B. Student Rights and Freedoms in the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on academic merit, and not on the basis of opinions or conduct unrelated to academic standards.

1. Protection of Freedom of Expression: Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study in which they are enrolled.

2. Protection against Improper Academic Evaluation: Students should have protection through orderly procedures against prejudices or capricious academic evaluation. Students remain responsible, however, for maintaining standards of academic performance in each course in which they are enrolled.

a. Staff Courses: Where common material is taught within a single course by different members of the faculty, the department offering the course must see that proper consultation is carried out by the staff prior to submission of grades in order to assure a reasonable equity among different sections.

b. Injustice in Grading: A student may appeal a grade to the instructor who gave it. If the instructor believes that the student's case is justified, the instructor may request a grade change from the Administration Committee. A student who fails to receive satisfaction from the instructor may discuss the matter with the department chair and, if the student is still not satisfied, may submit an appeal in writing to the dean of the faculty.

3. Protection against Improper Disclosure: Information about student views, beliefs, and political associations that professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential.

Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student. Faculty members should use common sense in determining when refusal to divulge information about a student is likely to prove damaging.

C. Announcement of Work Required for Evaluation

Early in the semester, preferably on the syllabus, instructors should inform their classes of the nature, extent, and due dates of all major work to be required for evaluation during the semester. Instructors must inform students prior to the end of the fifth week of major work that must be completed before the end of classes and during the final examination period. No additional major papers or projects may be announced after the end of the fifth week of the semester. No new assignments of work for evaluation may be made during the last week of classes.

D. Final Examinations

1. Instructors normally determine the form of the final exam when submitting course information to the course scheduler. For courses that have scheduled final exams, a preliminary exam schedule is published shortly after the end of registration. A final examination may take one of several different forms:

a. A regularly scheduled written examination. The time and place are established by the course scheduler.

b. A self-scheduled examination. Self-scheduled examinations are taken at a designated examination center according to the following schedule: 9-12 a.m.; 2-5 p.m.; and 7-10 p.m., Monday through Saturday during the examination period. One afternoon slot (2-5 p.m.) is offered on Sundays. By noon on the Friday before the start of the final examination period, instructors deposit copies of their examinations in the Registrar's Office. Students pick examinations up at the designated examination center within 15 minutes of each starting time and take the exam to a designated examination room. Students must return examination papers to the examination center by the conclusion of the examination hours or sooner, according to the time allotted for the examination. Exams are date-stamped at that time.

c. A take-home examination. Take-home examinations may be taken at the student's convenience during the final examination period and will be returned to the instructor according to procedures established before the last day of classes.

d. An oral examination. Before the last day of classes an instructor will inform the student of the time and place of such an examination.

e. An open-book examination. This may be either a self-scheduled or a take-home examination (*see b and c above*).

2. Final examinations may be given only during the final examination period. (*See "Final Examination Period" section below*)

3. Except for take-home examinations, final examinations may not be less than one or more than three hours in length.

4. Instructors should follow Article II of the Undergraduate Honor System in the conduct of final examinations.

5. Instructors should return final examination papers to students or keep them in their possession for one full semester.

E. Rescheduling of Examinations, Excused Absences, and Incompletes

1. The Commons deans are charged with the responsibility of extending deadlines for papers and projects and determining that pre-announced examinations be rescheduled if warranted by compelling personal circumstances, illnesses, or injuries. In such cases, the dean will inform the instructor in writing. In response to a student's request, an instructor may reschedule a student's examination with the exception of a final examination, but he or she is not obliged to do so unless the Commons dean so decides.

2. An unexcused absence from a pre-announced examination will result in a grade of F for that unit of work.

3. The Commons dean may alter a student's final examination schedule (1) if the student has three examinations scheduled in 24 hours; (2) if there is a scheduling conflict (two exams at the same time); or (3) if there are emergencies or compelling circumstances. Faculty members may not alter a student's final examination schedule. Students who miss a scheduled final examination may be given a grade of incomplete only with the written permission of the Commons dean. (*See "Grades and Records" section of this chapter*)

F. Final Examination Period

The final examination period for fall and spring semesters normally begins on the Monday following the end of classes. Normally, examinations are scheduled on the following Tuesday, Thursday, Saturday, Monday, and Tuesday. There are three examination periods on each day, except the first Tuesday, when there are two examination times, one in the morning and one

in the evening. The spring semester examination period may be shortened to avoid having Commencement occur later than May 30.

No activities, athletic events (games or practices), course registration, additional or makeup classes will be scheduled for this period of time. All class activities must be concluded on the last day of classes. A thesis defense may be scheduled during the final examination period.

Grades and Records

A. Grading System

The following grades are used at Middlebury College:

1. A, B, C, D, F (+ is used only with B and C; - is used only with A, B and C): fall, winter, and spring terms.

Numerical equivalents of grades:

A = 4.00
 A- = 3.67
 B+ = 3.33
 B = 3.00
 B- = 2.67
 C+ = 2.33
 C = 2.00
 C- = 1.67
 D = 1.00
 F = 0

2. Credit, no credit: winter term internships, student-led courses, and 555 courses

3. S (satisfactory), U (unsatisfactory): for work in progress in a multiple-term course

4. INC (incomplete)

5. Honors, pass, fail: winter term independent projects and some designated winter term courses

B. Probation and Failure

All undergraduate students have the same probation and failure rules. These rules also apply to Middlebury undergraduates who enroll in Middlebury Schools Abroad and summer Language Schools. The Administration Committee will exercise considerable leniency in responding to first-year, first-term students and therefore will give strong consideration to readmitting a student who has received academic failure unless the student has demonstrated flagrant neglect of his/her school work.

Probation (please also refer to the section on Academic Student Status; C. Probation):

2 Ds
 1 D and 1 F
 D or F in winter term
 1 D or 1 F for students completing only three courses in term

Failure (please also refer to the section on Academic Student Status; G. Academic Failure) :

3 Ds
 2 Fs
 1 F and 2 Ds
 2 Ds or 1 F while on probation
 D or F in winter term while on probation
 Three times on probation
 1 F and 1 D, or 2 Ds for students completing only three courses
 A second successive term on probation

Failure while on Probation:

2 Ds
 1 F
 D or F in winter term
 Three times on probation

A second successive term on probation

C. Grade Reports

Final grades are reported to the Registrar's Office on official grade rosters at the end of each semester or term. All grade rosters must be signed by the instructor and delivered to the Registrar's Office by the time specified by the registrar. A faculty member who fails to meet this deadline is reported within 24 hours to the department chair. If there is no response within another 24 hours, the dean of the faculty or designee is notified. Instructors should not report final course grades to students.

Failure and D reports must be submitted by instructors to the registrar. These reports are used by the Administration Committee for determining eligibility for readmission and by Commons deans for advising.

Students are responsible for keeping parents correctly and currently informed of their standing and progress in college. Students can view their own grades online and may print and distribute them as they wish. For students who sign an authorization form each semester, fall grades and spring grades are mailed to parents. Notices of second course warnings, academic probation, academic failure, withdrawals, written reprimands, disciplinary probation, suspension, and expulsion are sent to parents as a matter of course.

D. Repeated Courses

A student who fails a course and takes it a second time will have both grades calculated into the grade point average. If a student passes a course and then repeats it (after receiving permission of the Administration Committee), only the first grade is calculated into the grade point average, and the course is only counted once for credit, although both grades appear on the transcript

E. Multiple-Semester or Term Course Grades

When a course would have relatively little value unless followed by a second semester or term course intended to complement it, a department may designate first-semester courses for which no credit will be received without completion of a second semester of the course sequence. A department may designate second semester courses in which the final examination will cover the work of the entire year. Students must register each semester or term for the continuing credit. The first semester of such courses is graded Satisfactory or Unsatisfactory.

F. "Satisfactory / Unsatisfactory" Grades

These grades may be submitted only for multiple-semester or term projects carrying more than one course credit (500-honors projects for seniors, 700-level senior work). At the conclusion of the project, the student receives alphabetical grades for all course units.

G. Incomplete Grades

Incompletes are issued only for illness or compelling circumstances. An incomplete is granted by the Commons dean in consultation with the faculty member involved. The incomplete request form must be signed by the faculty member, student, and dean. The dean, in consultation with the faculty member, will specify a date no later than the last day of classes of the succeeding fall or spring semester by which the work of the course must be completed. It is the student's responsibility to ensure that all work is completed by the established deadline. If the course is not completed by the deadline, the grade will be computed based on the work that has been completed and will be recorded by the registrar within four weeks of the deadline, unless an exception is allowed by the Administration Committee. In cases where an incomplete cannot be resolved, the Registrar's Office may resolve the grade as an F. The registrar will inform the student that a grade has been recorded for the course.

H. Change in Grades

Any request for a grade change must be submitted on a change of grade form to the Administration Committee by the instructor of the course with the endorsement of the department chair. Changes will be made only in case of clerical error or for the reason of fairness to a student. No change in a final grade on the transcript is effective until it is approved by the faculty.

Students wishing to protest a grade may do so by speaking first to the instructor of the course, and then to the department chair. If the student is still not satisfied, the student may appeal in writing to the dean of the faculty. The dean of the faculty or designee will consult with the instructor of the course and the department chair and will make a final decision on the matter. If the dean recommends a change in the student's grade, that recommendation will be submitted to the Administration Committee, which will include it on the recommendations for grade changes submitted to the faculty. No change in a final grade on the transcript is effective until it is approved by the entire faculty.

I. College Honors

1. College Scholar: semester grade point average of 3.60 or higher for students taking four or more courses, with no grade below B-.

2. Dean's List: semester grade point average of 3.30 or higher for students taking four or more courses, with no grade below B-.

3. Graduation honors (on the basis of cumulative grades from the Middlebury undergraduate, summer, and overseas schools, all other approved programs abroad, and approved programs of domestic off-campus study):

a. *Cum laude*: graduation average of 3.40 or higher

b. *Magna cum laude*: graduation average of 3.60 or higher

c. *Summa cum laude*: graduation average of 3.80 or higher

Standards for graduation honors are the same for all students eligible for a degree, regardless of the number of courses taken at Middlebury.

Except for valedictory and salutatory honors, no class rank is computed for official College purposes. Transfer students are not eligible for valedictory or salutatory honors.

Students who have been found guilty of academic dishonesty by the Academic Judicial Board, or by the former Judicial Review Board or Student Judicial Council, are ineligible for graduation honors.

J. Departmental Honors

Awarding of departmental honors (Honors, High Honors, Highest Honors) is a departmental decision, but the following minimum requirements must be met:

1. A student must have at least a B average (3.00) in courses taken in his or her department or program (excluding 500, 600, 700, or equivalent independent study course work, if given).

2. There must be significant independent research (500 project) or an honors thesis (700 course) in a student's program and the grade must be a B or higher.

3. A program must fall within the maximum permissible number of courses that students may take in their major departments. The program may be part of the senior work program or independent of it.

4. An exceptionally strong project qualifies the student for honors.

5. In order to be considered for honors, independent scholars normally must meet two criteria: a minimum average of B+ in courses taken towards the major and a minimum grade of B+ on the senior work component. The registrar oversees the first requirement and will inform the adviser of the student's eligibility. The senior work component must be evaluated by a committee of three faculty members (one of whom, at the adviser's request, may be a faculty member on the Curriculum Committee). Minimum thesis grades for each level of honors are B+ (Honors), A- (High Honors), and A (Highest Honors), but the determination of the appropriate level will be made by the committee.

6. Students who have been found guilty of academic dishonesty by the Academic Judicial Board, or by the former Judicial Review Board or Student Judicial Council, are ineligible for departmental honors.

K. Transcripts

Currently matriculated students have secure, ongoing access to their academic records online in BannerWeb. They may also request an official academic transcript from the Registrar's Office. The transcript contains information on courses taken, grades received, majors and minors, degrees earned and honors awarded. The transcript also includes a student's semester and cumulative grade point average, calculated using the numerical equivalents in Section A above. The grades used in calculating the grade point average are those earned in the Middlebury undergraduate, summer, and overseas schools, all other approved programs abroad, and approved programs of domestic off-campus study.

The transcript and information in the student file may be released to persons or organizations outside of the College only with specific written authorization from the student or as permitted by the federal Family Educational Rights and Privacy Act (FERPA), as noted below.

A fee of \$5 is charged for each official transcript requested. A request form is available at <http://go.middlebury.edu/transcript>. Students and alumni continue to have access to their own academic records on BannerWeb. No transcript will be issued to

students who are financially indebted to the College until satisfactory arrangements have been made with the Office of Student Financial Services.

L. Student Records

The federal Family Educational Rights and Privacy Act (FERPA) establishes guidelines under which students may have access to records maintained by Middlebury College and under which those records may be disclosed by the College to others.

1. Definitions

a. "Students." "Students" are defined as those individuals who have applied for admission to Middlebury College, were admitted, and are or have been enrolled in classes for credit at the College. FERPA does not apply to records of applicants for admission to the College who are denied acceptance or, if accepted, do not enroll in classes for credit. In addition, rights are not given by FERPA to students enrolled in one component of Middlebury College who seek to be admitted in another component (e.g., a student who is enrolled in the undergraduate College, but is denied admission to one of the graduate programs, does not have any FERPA rights in the graduate program which denied him or her admission).

b. "Education Records." "Education records" are those records that are directly related to a student and that are maintained by Middlebury College or by an official who serves the College in an administrative, supervisory, academic, research, or support staff position.

FERPA indicates that "education records" do not include:

i. Records of instructional, supervisory, administrative, and educational personnel that are in the sole possession of the maker, e.g., a faculty member's grade book, or a dean's advising notes. Sharing information with another person or placing information where it can be viewed by others may make it an "education record" and subject to FERPA.

ii. Records relating to individuals who are employed by Middlebury College that are made and maintained in the normal course of business and relate exclusively to individuals in their capacity as employees, and are not available for any other purpose.

iii. Records relating to a student that are (1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional capacity or assisting in a paraprofessional capacity; (2) used solely in connection with the provision of treatment to the student; and (3) not disclosed to anyone other than individuals providing such treatment (or to a physician or other appropriate professional of the student's choice).

iv. Records that contain only information relating to a person after that person is no longer a student at Middlebury College (e.g., information gathered on the accomplishments of alumni).

v. Records created and maintained by the Middlebury College Department of Public Safety for law enforcement purposes.

c. "Directory Information." Middlebury College determines the following to be student "directory information" which may be available to the public if the student has not restricted its release:

Name
Home address (while enrolled at Middlebury College)
College address
Campus telephone number
E-mail address
Dates of attendance and graduation
Class standing, e.g., first-year student, sophomore, junior, or senior
Major field(s) of study
Degrees received
Honors and awards received

"Directory information" for purposes of FERPA is **not** the same as the information that is available in the on-line College directory, where students may choose their own options for how others may access their data both on campus and off campus, when searching the online directory.

2. General Principles

a. Confidentiality. FERPA provides that education records and personally identifiable information about a student may not be disclosed without the student's written consent unless disclosure is permitted by certain exceptions under FERPA.

The student's written, signed consent must:

-- Specify the records to be released;

-- Identify the party or class of parties to whom the records should be released;

-- Indicate the reason for the release.

b. Access. FERPA provides that students are permitted to inspect their own education records. A student has the right to:

-- Inspect and review his or her education records;

-- Request an amendment to an education record if the student believes there is an inaccuracy;

-- Restrict the release of his or her "Directory Information" from public access;

-- File a complaint with the U.S. Department of Education if he or she feels the College has failed to follow FERPA guidelines.

c. Administering Office. The Office of the Registrar is responsible for the administration of FERPA guidelines at Middlebury College. Students and others who have questions regarding the treatment of specific information in a specific circumstance should contact a professional staff member in the Registrar's Office.

3. Confidentiality

FERPA generally prohibits the release of confidential personally identifiable student data from education records, with limited exceptions that include "Directory Information" (see below), without the student's written, signed consent.

Personally identifiable student data, other than "directory information" for students who have not restricted its release, are confidential. Examples of confidential information include, but are not limited to, social security number, date of birth, ethnicity, gender, country of citizenship, class schedules (including meeting times and locations), grades, grade point averages, and parents' or guardians' names and addresses.

FERPA provides certain exceptions for the release of personally identifiable education record information without the student's written consent. These exceptions include:

Directory Information. Directory information, as defined in section 1.c. above, may be made available to the public if the student has not restricted its release.

The College will honor requests to withhold directory information but cannot assume responsibility to contact students for subsequent permission to release this information.

Students should consider very carefully the consequences of any decision to withhold directory information. When a student instructs the College not to release directory information, any future requests for such information from persons or organizations outside Middlebury College will be refused, unless an exception applies, or unless the student subsequently files a written request that the information be released. Middlebury College assumes no liability for honoring instructions that such information be withheld.

Requests for non-disclosure must be submitted in writing to the Office of the Registrar. Forms for making such requests may be obtained from the Registrar's Office.

Legitimate Educational Interest. Personally identifiable education record information may be disclosed without the student's written consent to a College official with a legitimate educational interest in the record. A College official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including public safety and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Other Exceptions. Education record information may be disclosed without the student's written consent in the following instances:

a) To the student.

b) If it is "Directory Information" and the student has not restricted its release.

c) If properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding, in which case Middlebury College will make a reasonable attempt to notify the student of the subpoena, in cases where FERPA applies, prior to the release of the information, unless the subpoena specifically directs that the student is not to be notified.

- d) In connection with the student's application or receipt of financial aid as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms or conditions of the aid.
- e) In connection with audits or evaluation of federal or state supported educational programs requiring disclosure of information.
- f) To effect collection of past due financial obligations to the College.
- g) To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the Department of Education, the U.S. Citizenship and Immigration Services bureau of the Department of Homeland Security (with respect to international students), or state or local educational authorities.
- h) To the Veterans Administration to determine compliance with educational assistance.
- i) In connection with a health or safety emergency as determined by the College
- j) To parents of financially-dependent students.

4. Access

A student has the right to inspect and review his or her education records within 45 days of submitting a request to the College for such access.

Students wishing to review their records should submit to the Commons dean a written notice to that effect. The Commons dean will notify the student of a convenient time for the review.

FERPA does not provide the student with the right to access certain records, including:

- "Sole possession records" as defined in section 1.b.i. above.
- Parents' financial records used for financial aid purposes.
- Confidential letters and statements of recommendation placed in the student's education record prior to January 1, 1975, or confidential recommendations to which the student has given prior written waiver of access and which are used for job placement, admission, or award purposes.
- Admissions-supporting documentation such as letters of recommendation, readers' notes, and interview reports.
- Records related to student employees of Middlebury College in their capacity as employees.

5. Amendment of Records

A student may request amendment of the student's education records that the student believes are inaccurate, misleading, or in violation of the student's privacy rights.

A request for amendment of a student's education record should be submitted in writing by the student. The request should state what record the student believes is inaccurate or identify the part of a record the student wants changed, and should state why the student believes the record is inaccurate, misleading, or in violation of the student's privacy rights. If the College decides not to amend a record as requested, the College will notify the student of its decision and advise the student of his or her right to a hearing regarding the issue. Additional information regarding a hearing procedure will be provided to the student when notified of such decisions.

FERPA was not intended to provide a process to be used by students to question substantive judgments that are correctly recorded. The FERPA rights of challenge are not intended to allow a student to contest, for example, a grade in a course because he or she felt a higher grade should have been assigned. FERPA is intended to ensure the factual and accurate nature of the information in the student's education records and the student's right to verify that information.

If Middlebury College decides, as a result of a hearing, not to amend the education record in accordance with the student's request, the student may place a written statement in the record commenting upon the information therein, and/or setting forth any reason for disagreement with the institutional decision not to amend the record. Such a statement will become part of the student's education record and will be disclosed with it.

6. Complaints

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920.

M. Registrar and Transcripts

Registrar's Office

E-mail: registrar@middlebury.edu

Website: <http://go.middlebury.edu/registrar>

Phone: 802.443.5770

Fax: 802.443.2030

Currently enrolled students should contact this office if they have questions about their academic transcripts or procedures regarding registration, dropping or adding courses, or transfer of credit. Transcripts must be requested in writing and payment must accompany the request. Forms for requesting transcripts are available online at: <http://go.middlebury.edu/transcript>. Transcript requests are accepted by mail, and in person Monday through Friday in Forest Hall during regular office hours. Please plan on two days for processing requests, and longer during end of term grading periods.

N. Tutoring and Academic Support

Among Middlebury College's strengths are the accessibility of faculty and their willingness to help students. All faculty members maintain regular office hours, which are posted on office doors or within department offices.

Whenever students experience difficulty in a course, they are encouraged to first seek help from the respective faculty member. Additional support is also available to help students reach their academic goals. The Office of Learning Resources is located within the Center for Teaching, Learning, and Research on the main floor of the College Library, Suite 225

Beginning the first week of the semester, on weekdays, the Director of Learning Resources is available to meet with students for individual appointments. The Director assists students in assessing their academic needs and developing skills to meet these needs. Academic time management skills, select study skills including effective note taking, test preparation, and skills for managing stress and reducing anxiety that interferes with academic performance are necessities for all students to master. Competency in these skills is directly related to academic success and students fulfilling their academic and personal potential at college. These services are available to all Middlebury students and are free of charge. In addition, periodic announcements of study skills seminars will appear in the *Middlebury Weekly Calendar*, in mailings, and on the Office of Learning Resources Web page. For additional information, call extension 3131 or visit the OLR Web page: <http://www.middlebury.edu/academics/tools/olr/>

Peer Content Tutors, approved by departmental faculty, are also available to provide supplementary assistance for entry-level courses. The peer tutor program provides group drop-in study sessions in a dozen or more academic subjects. In addition, individual peer tutoring is provided for subjects not covered by study group sessions, or when recommended by the faculty in a specific course. For additional information, call extension 3131 or visit the OLR Web page: <http://www.middlebury.edu/academics/tools/olr/tutoring/>

Quantitative skills and reasoning ability have become an important component of many courses and majors. The Director of Quantitative Support is available to assist students in a number of ways, including reviewing prior mathematics knowledge, discussing homework, preparing quantitative reports, and practicing for tests. In addition, peer tutors who have experience and training in quantitative methods can assist students with homework and other quantitative projects in study group sessions or individually when recommended by a faculty in a specific course.

The ability to write clearly and effectively is central to a liberal arts education. As part of a program to encourage students' growth as writers during their four years at Middlebury, the College offers free professional and peer tutoring to student writers at any stage of any writing project, from organizing the work schedule, to brainstorming ideas, to talking through a draft, to revising and polishing rough drafts. Peer writing tutors are also trained to give tips and practical suggestions to assist students with oral presentations. This tutoring is available at the [Center for Teaching, Learning, and Research](#) on the main floor of the College Library, Suite 225.

Professional tutors in writing are available by appointment during daytime hours, weekdays. Peer tutors, experienced students who can also work on any phase of a writing assignment, are available Sunday through Thursday 7:30 p.m.-12 p.m., or by appointment.

For more information visit the Writing Program's Web page at <http://www.middlebury.edu/academics/ump/writing/>

Student Status

Middlebury College recognizes its obligation to protect the welfare of the College community and reserves to itself the right to determine when that welfare is jeopardized. Specifically, the authorities of the College (the dean of the college; the vice president for Language Schools, Schools Abroad and Graduate Programs; the director of the Bread Loaf School of English; or the director of the Bread Loaf Writers' Conference, as appropriate) may, without further consultation, (1) exclude from the

campus any student whose presence is deemed potentially dangerous to the College community or to himself or herself, and (2) take prompt disciplinary action, independent of the status of any action by local, state, or national authority. The College will neither attempt to interfere in any case involving a student and legal authority nor permit such involvement to affect its own disciplinary procedures.

When the College excludes a student from campus for disciplinary reasons, the fees that are due or which may have been paid in advance will not be remitted or refunded, in whole or in part. Neither the College nor any of its officers will be under any liability whatsoever for such exclusion.

A. Good Academic Standing

Students are "in good academic standing" if they are enrolled in at least three courses each semester, and in at least seven courses each academic year (fall, winter, and spring) and are making satisfactory progress toward their degrees. Seniors who need only one or two courses to graduate and who have been approved for special student status are also considered to be "in good academic standing."

Satisfactory progress consists of compliance with the policy on full-time student status as defined in the Handbook section on "course load" (see "Course Registration and Conduct of Courses" section of this chapter), or having been approved for an exception to that policy by the Administration Committee.

"Successful completion of a year" for veterans' benefits certification is defined as "in good standing." Students taking fewer than four courses, however, should consult with the registrar regarding veterans' benefits.

B. Course Warnings

Faculty members may send out course warnings to students thought to be in danger of receiving grades of "D" or "F." The Commons Dean will normally notify parents or guardians of students who receive more than one warning in one subject or warnings in two or more subjects.

C. Probation

See "*Grades and Records*" section of this chapter. A student who receives two D grades or one failing grade and a D grade in a single semester will be placed on probation until the end of the following fall or spring semester. A student completing a semester with three units of credit who receives one D or one F will be placed on probation. A student who receives a D or an F in the winter term will be placed on probation for the spring semester. Students placed on probation more than twice in their College careers will be required to withdraw. A student readmitted after an academic failure is readmitted on probation for the following fall or spring semester.

D. Leave of Absence

A student may be granted leave-of-absence status to pursue a full-time program of studies at another recognized and accredited college or university in the United States or abroad.

1. Leave-of-absence status for overseas programs is approved by the Off-Campus Study (Programs Abroad) Committee at the request of the student and the recommendation of his or her major department. Course programs must be approved by the appropriate Middlebury departments if leave status is to be granted.

2. Middlebury agrees to accept approved junior year abroad programs as equivalent to a full year's work. Students on other leave have no such guarantee and must seek final approval of courses after their return to Middlebury. Students on leave, under either junior year abroad or leave of absence, must inform the College if they withdraw from the institution they are attending or if they take a reduced course load.

3. The following policies will govern readmission for students who have been approved for programs of off-campus study and then wish to change their status:

a. Such students will be readmitted for fall or spring semester only. They will not be readmitted for winter term, even if they claim to have a place to live off-campus.

b. The deadline for guaranteed readmission for the fall semester is June 1. After this date, students who wish to be readmitted will be placed on a waiting list. Students on the waiting list will be notified on September 1 if they have been readmitted for the fall.

c. The deadline for guaranteed readmission for the spring semester is November 15. After this date, students who wish to be readmitted will be placed on a waiting list. Students on the waiting list will be notified on January 15 if they have been readmitted for the spring.

d. There will be no readmissions after the September 1 and January 15 dates.

E. Withdrawal

1. General Provisions

Students who wish to withdraw for any reason must notify the dean of their Commons in writing. The dean shall determine their status at the point of withdrawal. The courses of students who withdraw prior to December 1 of the fall semester or May 1 of the spring semester will be deleted from the transcript. Students who withdraw in the middle of a semester cannot normally be readmitted for at least one semester. The courses of students who withdraw after December 1 of the fall semester or May 1 of the spring semester will remain on the transcript. A course with a failing grade assessed on a student as part of a penalty for academic dishonesty imposed by the Academic Judicial Board will not be deleted from the transcript regardless of the time in the semester when the student withdraws. A grade of F will be recorded for all courses listed regardless of work accomplished and the student will be listed as an academic failure. The student may be required to spend the subsequent semester away from Middlebury College. Students who withdraw during the winter term will receive a grade of F for the winter term. Exceptions are made by the dean only for medical or exceptional personal circumstances. No refunds are permitted on College fees except for prorated board charges, unless the withdrawal is for medical reasons. (*See Student Finances chapter of this handbook.*)

2. Voluntary Withdrawal

Students who withdraw in good standing normally will be assigned a readmittance date at the time they withdraw. They must confirm their plan to return on this readmittance date with their Commons Dean no later than June 1 for the fall term and November 15 for the spring semester. Students who fail to confirm their plans to return by these deadlines will be placed on a waiting list for readmission. Normally, readmission is for fall or spring semester only. Students will be readmitted for winter term only with special permission from the Office of the Dean of the College.

3. Other Withdrawals

Students who withdraw from the College for medical or psychiatric reasons must have their attending physician or psychiatrist write to the dean of their Commons recommending readmission. The Office of the Dean of the College will decide about the advisability of readmission after receiving the information from the medical professional. If the student requires continuing medication or medical follow-up, this information should be forwarded to the College medical director. Students who are withdrawn in the middle of a semester cannot normally be readmitted for at least one semester.

Students who wish to be readmitted from a medical or other conditional withdrawal must notify their Commons dean of their request to be considered for readmission no later than June 1 for the fall semester and November 15 for the spring semester. Decisions on these requests will be made after full documentation has been received from medical professionals and others.

F. Resignation

Students who wish to leave Middlebury College and plan never to return may resign from the College. Students who resign must notify the dean of their Commons in writing. There is no readmission after a resignation.

G. Academic Failure

A student who receives two F grades, three D grades, or one F grade and two D grades during a fall or spring semester earns an academic failure and is required to withdraw. Seventh-semester seniors will be reviewed by the Administration Committee prior to final action.

A student on probation who receives one F grade or two D grades in the subsequent fall or spring semester is required to withdraw.

A student who receives D or an F in the winter term while on probation will be required to withdraw. Students placed on probation more than twice in their College career will be required to withdraw.

A student who is enrolled in three courses and receives one F and one D grade, or two D grades, will be required to withdraw. A student enrolled in three courses who is on probation and who receives one D grade will be required to withdraw.

At any time, a student failing a course, consistently receiving grades below C-, or in any way neglecting the obligations of a course, may be placed on course warning.

Students failing in their studies generally may be withdrawn from the College by the Administration Committee if, in its judgment, failure is due to lack of application or to a negligent attitude.

H. Readmission

A student withdrawn for academic failure will not be readmitted except by special action of the Administration Committee. Readmission is a special privilege, not a right. The committee will take favorable action only when it is satisfied that the factors which led to failure have been rectified and that the student has both ample motivation and capacity to earn a degree. Mere lapse of time is not a sufficient basis for readmission. The burden of proof of motivation and capacity rests with the student. The student is normally required to enroll full-time at another accredited institution and to achieve a good record there by receiving grades of B- or better in all courses. (See *"Transfer Courses and Off-Campus Study"* section for information about the transferability of these courses to Middlebury.).

Application for readmission must be made to the Administration Committee through the Office of the Dean of the College by June 1 for fall semester, and by November 15 for spring semester. Students found to be in academic failure in the spring semester and who request immediate readmission for the following fall must apply by July 1. The Administration Committee may defer action on these applications until an official transcript showing work completed at another institution has been received at Middlebury. Normally, readmission is for fall or spring semester only. Students will be readmitted for winter term only with special permission from the Administration Committee in consultation with the student's Commons dean. Any student readmitted will be on probation for the first semester following return and, if withdrawn a second time, will not be readmitted. A student readmitted on probation for winter term remains on probation for spring semester.

I. Special Students

With departmental approval, Middlebury students may apply to the Administration Committee for special student status in cases of documented chronic illness or when they need only one or two courses to graduate. Special students are charged by the course and ordinarily may not live on campus. In special circumstances, the Administration Committee may grant permission for special students to live and eat on campus. These students are billed the customary comprehensive fee for the semester, less the per course rate for one course, as that is the only distinction between these students and those taking three courses during the semester.

Students who have a documented illness that develops late in the semester and prevents them from being able to fulfill their academic responsibilities may apply to the Administration Committee for permission to carry a reduced course load as a full-time student. Students who receive approval for a reduced course load pay the full comprehensive fee.

Applications for special student status must be filed with the Administration Committee by March 15 for the fall semester and November 15 for the spring semester. Students whose circumstances change after March 15 or November 15 may file applications for special student status after those deadlines if they have compelling reasons for requesting special student status.

Occasionally, a student working toward an undergraduate degree at another institution may be granted special student status by the Administration Committee with the approval of the degree-granting institution. This is done primarily to accommodate Middlebury residents who have to be home for a period of time. Students who have received their baccalaureate degree normally may not be admitted for credit to undergraduate courses at Middlebury.

J. Adjunct Students

[No longer applicable. Section removed 21-Nov-2008 per Academic Administration directive.]

K. Visiting Students

Students from other colleges may be admitted through the Administration Committee, if space is available, for one semester as non-matriculated students. Such students are required to be in good academic and social standing at their home institutions and have the approval of their home institutions. The Administration Committee will review potential visiting students' applications and transcripts and proposed courses of study at Middlebury to ensure that the students meet academic standards and that there is room in the courses they plan to take. Any visiting student wishing to transfer to Middlebury must apply in the regular manner through the Admissions Office.

Middlebury

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Library & Information Services

Introduction

LIBRARY AND INFORMATION SERVICES

Extension 2000

[/academics/lis](#)

The services and collections of Library and Information Services (LIS) are developed to serve the needs of students of a strong liberal arts undergraduate institution that also offers graduate programs in foreign languages and English literature. Policies pertaining to Library and Information Services (LIS) affect students, faculty, staff, community members, and visitors who avail themselves of the services of Middlebury College libraries as well as computing, media, networking and educational technology resources and services.

Information about specific services offered by LIS, and procedures related to requesting services, is available on the LIS website (<http://www.middlebury.edu/academics/lis/>) and by calling staff at these phone numbers:

Library and Information Services	802.443.2000
Library Circulation Services	802.443.5494
Technology Help Desk	802.443.2200
Curricular Technology	802.443.5469
Media Services	802.443.2200
Telephone Services	802.443.5700

The sections that follow describe policies of Library and Information Services, including obligations of members of the community to ensure adherence to legal requirements relating to copyright, security, and privacy of information.

Library Borrowing Guidelines

Middlebury College maintains its Libraries for the use of students, faculty, and staff in support of the instructional goals of the College.

The library purchases or subscribes to materials in printed, microform, digital, manuscript, and recorded formats, principally in support of the teaching program of the College. Materials solely for faculty research are usually not acquired for the library collections. It may be necessary, therefore, to supplement local resources through interlibrary loan, consortial borrowing, and the use of research libraries.

A valid Middlebury College ID is required to transact library business. Library privileges are extended to faculty, students, alumni and staff of the Middlebury College community and to guest borrowers by application. Check the LIS website for up-to-date borrower information, policies and loan periods.

Media collection materials needed for course work are available at the circulation desk; restrictions exist on access to this collection. Check the LIS website for information about loan policies and periods. DVDs in the "browsing collection" may be checked out by Middlebury students, staff, and faculty for non-public viewing in the privacy of rooms or homes. See the Copyright and Fair Use Guidelines section of the College Handbook for additional information.

Faculty, staff, and students may recall materials that are on loan to other borrowers. If you receive a recall notice, you are obligated to return recalled items immediately. Overdue library materials and fines will restrict borrowing privileges. All borrowers are responsible for payment of charges assessed for damaged or lost materials.

RESPONSIBLE USE OF LIBRARY MATERIALS

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

collections.

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

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

Inappropriate use includes, but is not limited to:

- a. Writing upon, defacing, tearing, cutting, mutilating, or destroying books or other library property in the custody of the library.
- b. Willful concealment of a book or other library property on one's person or among one's belongings while attempting to leave, or leaving the premises of the library without formal borrowing through the library circulation desks.
- c. The willful concealment of a book or other library property within the libraries.
- d. The willful removal of a book or other library property in contravention to library regulations.
- e. The intentional alteration or destruction of library ownership records.
- f. The willful retention of library materials beyond their stated loan periods.

Please direct questions about borrowing to [Library Circulation Services](#)

Email: library_circulation@middlebury.edu

Phone: 802-443-5494

Copyright and Fair Use Guidelines

U.S. law provides protection to authors, creators and publishers of works. It also grants privileges (**fair use**) that do not infringe copyright, for purposes such as criticism, comment, news reporting, teaching, scholarship or research. Middlebury College values and respects intellectual property rights, even as it recognizes an equivalent responsibility to advance the needs of scholarship and teaching within the framework of the law.

The following are Guidelines only and do constitute legal advice that can be assumed to be applicable to every situation. In some instances, federal court cases result in interpretation of copyright law that pertains to specific acts of copying or to particular media; also, contract law (such as license and purchase agreements) takes precedence over fair use.

Basic rules of thumb for fair use copying

On a case-by-case basis, consider these four factors together for each item you desire to copy.
(see also *Appendix A: Applying the Fair Use Factors*)

1. The copy is for **nonprofit educational purpose**

- multiple copies for classroom use are permitted, if the material is an excerpt and does not infringe on the market place
- a copy for "scholarship or research" is permitted, if the other factors below are met

2. Consider the **nature of the work**

- the more creative and less factual a work, the more it is protected by copyright law
some examples of degrees of protection under the law:

More protection

	<i>Less protection</i>
fiction	factual works
original movies	news broadcasts
	compilations
creative works	

*for creative works only small portions should be copied unless permission has been acquired,
whereas greater portions of purely factual items may be copied under fair use*

3. Only a **limited portion** of a work may be copied

- it is not permitted to copy an *entire or significant portion* of a publication or work that is still under copyright without permission of the copyright holder.

4. Sales of original materials ("**the market**") should not be affected by copies being made
 - consider copies for classroom use on case-by-case basis:
 - *the student would not normally be a potential purchaser of the work unless enrolled in the course*
 - *since the student uses the excerpts as a member of the class, the use probably has very little, if any, effect on the actual or potential market for the work*

CLASSROOM HANDOUTS

Copyrighted material can be provided to students in a class if:

1. The instructor is the copyright owner of the material, *or*
2. The copyright owner of the material grants permission, *or*
3. The material is in the public domain, *or*
4. The use of the material is a "fair use" under the law (*see above*)

COURSE PACKS

The College Store prepares and sells course packs that include photocopied readings.

1. Because copyrighted material is packaged for re-sale, permissions are required for all items included in a course pack, unless the item is in the public domain.
2. Copyright fees are built into the selling price of the compilation.

COURSE MANAGEMENT SYSTEMS

Copyright issues must be considered when placing protected materials in an online setting, applying the same factors as for classroom handouts, or seeking permission.

1. Materials must be limited by password access to those currently enrolled in College courses.
2. Materials can be distributed outside the class or posted on publicly accessible internet sites if and only if copyright permission has been secured.

COURSE WEB PAGES

Consider all the following for fair use of copyrighted material:

1. Access
 - ensure web page is accessible *only* to students currently enrolled in your course
 - at end of semester, take down web page with digitized materials, or remove copyrighted materials
2. Attribution
 - include copyright attribution and citations to original works
3. Brevity
 - keep portions of copied materials brief/minimal
 - number of digitized texts and audiovisual images/clips should be few and brief
4. Effect on market
 - text, images, etc., on a course webpage should never be extensive enough to substitute for the purchase of an issue of a journal, a book, recording, or a course pack

Freely permitted on a course web page:

1. Links to others' works
 - links from your webpage to another image, document, table, etc., on the Web
2. Your own work
 - your own problem sets, sample exams, class and lecture notes, photographs, video, audio, etc.
 - *note:* you may not hold copyright to your own work if, for example, it has been published and you have assigned rights to the publisher
3. Works in the public domain
 - in general, works copyrighted before 1923 may be freely copied

- see separate chart for an up-to-date table of different types of materials and when they fall into public domain

4. U.S. govt. publications

- Federal documents published through the Government Printing Office are not protected by copyright and may be freely copied

LIBRARY COURSE RESERVE AND ELECTRONIC RESERVES

Library course reserves are an extension of the classroom. Copies provided via library reserves and electronic reserves (ERes) are considered equivalent to multiple copies for classroom use, limited to use by those enrolled in the course.

1. The library applies fair use principles when making materials available on reserve, whether print or online.
2. All reserve materials are either library-owned or provided by the faculty member.
3. Copyright permissions may be required by the library in instances where a significant number of excerpts from the same publication are included on reserve, or the use of items is repeated from semester to semester (hence, potentially affecting the market place), or a copy of an entire work not owned by the College or library is placed on reserve.

LIBRARY ONLINE CONTENT

Licenses governing the use of library full text databases, electronic journals, e-books, and other digital resources may follow fair use or may have more or less liberal use restrictions.[\[1\]](#) The terms of a license will generally prevail over copyright law. By making use of licensed material, you inherently agree to its license terms, even if those terms limit your fair use rights. LIS staff can assist in determining what uses are permissible under each license.

PHOTOCOPYING, SCANNING, DIGITIZATION

Copyright law limits the reproduction of copyrighted material.[\[2\]](#)

1. Usually, only a small portion of a copyrighted work may be legally copied unless special permission has been secured.
 - *Reprographics and the Library will not copy or digitize an entire book, journal, CD, DVD or film for individual use unless the item is in the public domain, or copyright permission has been acquired*
 - *Individuals should be aware that copyright restrictions may apply in making their own copies of entire items, particularly if the item is currently copyrighted and available for purchase. Copies should remain for private use, and never be redistributed or resold.*
2. Based on Court cases, Congressional hearings, and agreements between publishers and the academic community, this typically means the following may be copied for books and journals:
 - a single chapter of a book
 - a small portion of a copyrighted book
 - a single article from a journal
3. Libraries may be permitted to make copies of entire works for archival purposes
4. Particular restrictions apply to media such as music and video (*see sections below*).
 - Use of copyrighted films, videos, recordings, and software generally requires permission, purchase or licensing.
 - Only legally acquired copies should be used in classroom presentations

WEB PAGE CONTENT

College policy does not permit the posting of copyrighted material on its publicly accessible web servers without permission of the copyright holder.

1. You must have the written permission of the copyright holder copy to distribute any materials of a third party (including software, database files, documentation, articles, graphics files, audio or video files) via the web or other College internet servers.
2. For course web pages, see above guidelines.
 - Copyright permission must be secured if course web pages are made publicly accessible and they include any copyrighted material.

VIDEO

The display (screening) of films, broadcasts, videos and DVDs is affected by copyright law and licensing agreements.

1. Films, broadcasts, videos, and DVDs may be shown in a face-to-face classroom setting during the regular course of instruction. The item used in the classroom or placed on reserve must be one of the following:
 - A legally purchased copy acquired by the College or the course instructor (copyright law explicitly prohibits the presentation of unlawfully made copies of films in educational settings)
 - A copy made by the College/Library under copyright law for preservation/archival purposes
 - A rental copy, which may legally be used or placed on reserve as well.
2. Use of materials borrowed from the library is limited to private viewing, with the exception of classroom screenings and viewings directly related to a current College course by students enrolled in that course. Most other showing and viewing of films, videos or DVDs constitute a public performance and permission for the showing must be obtained by paying a licensing fee to the copyright holder or licensing agent.
3. Students who need to obtain public performance licensing for an event should contact the Center for Campus Activities and Leadership (CCAL) in McCullough Hall, ext. 3108.
LIS staff can provide information about purchase or licensing of films and broadcasts for curricular use.
4. Students and faculty members who plan to schedule screenings should be mindful of the following guidelines:
 - Screenings of films or videos for which we hold no non-theatrical public performance rights may only be listed in the calendar if the screening is for a specific course and the number and/or name of the course is also listed in the calendar.
 - Films or videos screened for entertainment purposes, or for which the College has non-theatrical public performance rights, may be advertised and promoted only on campus (which includes WRMC-FM, the Campus, and the alumni magazine). None of this promotion may say that the public is invited, nor will there be separate admission prices for ID and non-ID card holders. In general, all off-campus promotion is prohibited, including posters and flyers, unless for those specific titles for which the College has obtained rights.
5. Presentations viewed through ERes or a course web/server site must be restricted to those registered in the course. Access to the materials via ERes or the web shall be removed following the terms in which they are viewed as part of the curriculum.

MUSIC

For musical works that remain under copyright, only portions should be copied for study purposes, as with other printed matter. The law indicates that multiple copies of a "performable unit" should not be provided to all members of a class. Emergency copies of works for rehearsal and performance purposes may also be made, provided purchased copies will be substituted in due course. Copying is allowed for entire musical works in the public domain.

Commercially distributed and copyrighted recordings (LPs, CDs, licensed downloads) may be played in a face-to-face classroom setting during the regular course of instruction, and may be made available via library reserves as an extension of the classroom.

1. Copyright law indicates an entire recording may be presented ("performed") in a face-to-face teaching situation. Otherwise, only portions of a work are permitted to be copied.
2. Presentations viewed through ERes or a course web/server site must be restricted to those registered in the course. The complete contents of a recording may not be digitized, downloaded and redistributed without copyright permission or licensing fees being paid.
3. Middlebury College agrees with the the Music Library Association's *Statement on the Digital Transmission of Electronic Reserves*, excerpted below:

The Music Library Association fully supports ...[the] view that students enrolled in a class have the educational right to aurally access its assigned musical works both in the classroom and through class reserves. The MLA also believes that the dubbing or digital copying of musical works for class reserves falls within the spirit of the fair use provision of the copyright law.

In light of the above, the Music Library Association supports the creation and transmission of digital audio file copies of copyrighted recordings of musical works for course reserves purposes, under the following conditions:

- Access to such digital copies must be through library-controlled equipment and campus-restricted networks.
- Access to digital copies from outside of the campus should be limited to individuals who have been authenticated: namely, students enrolled either in a course or in formal independent study with an instructor in the institution.
- Digital copies should be made only of works that are being taught in the course or study.
- Digital copies may be made of whole movements or whole works.

- Either the institution or the course instructor should own the original that is used to make the digital file. The Library should make a good faith effort to purchase a commercially available copy of anything that is provided by the instructor.
- The library should remove access to the files at the completion of the course.
- The library may store course files for future re-use. This includes the digital copy made from an instructor's original if the library has made a good faith effort to purchase its own copy commercially.

ART WORKS

Art works may be viewed in a face-to-face classroom setting during the regular course of instruction, and may be made available via library reserves and restricted-access databases such as MDID as an extension of the classroom for the purpose of research and study.

1. Art works photocopied, photographed, digitized or otherwise reproduced as part of a course assignment must be restricted to members of the course.
2. Multimedia presentations that are made public and that include art works must receive copyright permissions/licensing.
3. Contact the Visual Resources Curator for additional information.

APPENDIX A.

APPLYING THE FAIR USE FACTORS.

According to an opinion of the Attorney General of the State of Georgia issued in 1996:

Teachers should always act in good faith in copying excerpts for classroom use; and his or her conduct in copying must be such that an objective observer would conclude that the teacher acted in good faith. Therefore, it would be appropriate for teachers to comply with the following factors:

1. Limit the size of the excerpt copied to pedagogical needs.
2. Limit the sale of the copies to members of the class.
3. Limit the student's cost to the cost of reproducing the materials.

In summary, notwithstanding broad copyright notices that may purport to prohibit any copying without written permission, copying for classroom use is a legitimate activity and a legal right under the fair use doctrine of 17 U.S.C. § 107. Moreover, where a teacher or librarian or other employee of a non-profit institution infringes a copyright with a good faith belief that the copying was a fair use, the Copyright Act requires courts to remit statutory damages if there is an infringement action.^[3]

PERMISSIONS

In cases where the fair use analysis weighs against using any particular item, the user should seek permission from the copyright holder.

[1] adopted from **Common Academic Uses of Copyrighted Material**. Syracuse University Library.
<http://library.syr.edu/copyright/materials.html> [accessed 10-October-2005]

[2] In good faith application of fair use, only *portions* of works will be copied by College staff for research purposes, library reserve or classroom use, unless a work is in the public domain. Some statements/agreements between publishers, libraries, and educational institutions suggest guidelines that provide a "safe harbor" by limiting the quantity and frequency of copies made for educational purposes. These guidelines are not actual law, and following them assumes (but does not guarantee) that *limited* classroom use of copies is protected from a copyright suit.

[3] Department of Law, State of Georgia, UNOFFICIAL OPINION. Re: The Scope of the Fair Use Doctrine, 17 USC §107, for making copies for classroom use, for teachers who make copies for research and scholarship, and the potential liability of teachers, librarians and employees of non-profit institutions for exceeding the parameters of fair use. Issued 14-February-1996.

Respect for People and Property

Policy Overview

LIS facilities – comprising our libraries and computing labs – are resources shared by the Middlebury College community. Respect for people and property rests upon the personal responsibility of users and visitors in order to:

- protect our facilities, furnishings, and equipment from harm
- support the longevity and preservation of library collections
- promote recycling of appropriate food and drink packaging, as well as paper products
- ensure the health and safety of all members of the community using our facilities.

Overall, be considerate: Respect the members of our community who work in or visit our libraries and computing labs each day, as well as the next user and the next generation of users of our facilities.

Food and Drink

- Food and beverages must be covered and kept in spill-proof containers.
- Take precautions to avoid spillage and soiling of library books, media, and facilities.
- Report accidental spills to LIS staff as soon as possible.

Exceptions:

- Food and drink are prohibited in Special Collections & Archives.
- Food and drink appliances, such as toasters and coffee-makers, are not permitted in study areas.

"Leave no trace." Leave LIS facilities and furnishings as you found them, or in better condition than you found them:

- Deposit all recyclable food and drink packaging in recycling containers.
- Deposit all non-recyclable food and drink garbage in trash receptacles, being careful to avoid splatters.
- Dispose of beverages by pouring liquids into a bathroom sink before recycling or throwing away containers.
- "Pack it in, pack it out." Carry out any non-disposable dishes, silverware, etc., that you bring into LIS facilities and return them to your room, dining hall, or other location as appropriate.
- Take your belongings with you when leaving a library or lab, in order to leave study space free for another user, as well as to prevent theft of personal items.

Security and Safety

- While we strive to maintain a safe and secure environment, it is up to you to be responsible for your own possessions. Please do not leave belongings unattended. Lock down your laptop computer or store in a locker.
- If you witness theft or believe a personal possession has been taken, please report the incident to LIS staff and Public Safety immediately.
- Report any disruptive, lewd, or suspicious behavior immediately to an LIS staff member.

Behavior

Please respect the use of the libraries and labs as locations where a variety of services are provided and received, and where study and reading take place.

- **Cell phones:** Please mute cell-phone ringtones and move phone conversations to areas so as not to disturb others who are studying nearby. In the main library, avoid conversations in the main lobby (sound is amplified and echoes throughout the building); please go to the front entry way, stairwells or other locations behind closed doors.
- **Smoking** or the **use of tobacco** are prohibited in LIS facilities.
- **Children:** Faculty, staff and guest parents should be present to supervise their children and remind them that those around them may be studying or working on projects that require concentration. Unsupervised children creating disruption will be asked to leave.
- **24-hour study:** Students may not "live" in the library when it is open 24 hours a day at the end of the semester and during exams.
- **Special situations:** Library & lab users must follow any specially posted information or rules regarding access to and use of LIS facilities.

see also Handbook policy on [Responsible Use of Library Materials](#) in [Library Borrowing Guidelines](#)

[revised 20-August-2008]

Responsible Use of Computing and Network Service and Facilities

Information technology is vital to the mission and function of Middlebury College; the College's computer networks and central computing facilities are common resources upon which the whole community depends. Responsible citizenship in the Middlebury community obliges users of these facilities to maintain responsible and ethical use of computing and communications resources, awareness of the impacts of one's actions, and respect for the rights of others. While technology makes available new educational, social, and recreational possibilities, we must recognize that the ethical and legal issues relating to technology are similar to those in our daily lives.

LIS does not actively police or monitor computers or networks in search of illicit or inappropriate activities. We prefer to assume that all members of our community will behave in a proper and responsible manner. However, if illegal or inappropriate activities are brought to our attention, we are obligated to investigate and act, including cooperating with legal authorities, if necessary.

Middlebury College has implemented a firewall at the connection to the public Internet for security reasons. While not intended to disallow legitimate traffic to and from the Internet, there may be situations where a specific application fails due to an unknown port being blocked. If you have legitimate need for certain ports to be open to the outside world, simply let us know the port and application, and we will make every effort to accommodate these requests.

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

1a. Ethical and Law-Abiding Behavior: Inappropriate actions using computers can involve violation of the law, with resulting prosecution and criminal penalties. Theft, plagiarism, "breaking and entering," fraud, invasions of privacy, harassment, or distribution of illegal material are just as serious when committed with a computer as by any other means.

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

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

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

Violations of privacy include accessing other people's data or electronic mail, or spying on their communications. Abusive or threatening messages to others can be prosecuted as harassment. Offering illegal material by electronic means can be prosecuted in the same manner as offering illegal material on the street or a conventional market.

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

1b. Conservation of Our Common Resources: As members of the Middlebury College community, we must be aware of the impact that our actions have on others and avoid activities that undermine or damage the integrity and efficient functioning of the network and computing infrastructure. Deliberate interference with the functioning of any computing or communications equipment will be regarded as vandalism and result in quick and decisive action.

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

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

1c. Respect for Others: As citizens in our community, we must respect the rights and privacy of one another. We are obliged to

avoid actions that create a public nuisance, such as inappropriate postings to topic-specific bulletin boards and mailing lists or unwarranted mass mailings. The same standards of civilized discourse and etiquette that govern our face-to-face interactions should apply in cyberspace. All users of our computing and networking facilities bear the responsibility to avoid libel, obscenity, undocumented allegations, attacks on personal integrity, and harassment.

2. In turn, our community is entitled to, and can expect, **responsible behavior** from those charged with managing and maintaining the computing and communications systems.

2a. Library and Information Services (LIS) will respect the privacy and confidentiality of users' files and messages.

LIS will not look at private information, unless authorized by an individual to perform work on his or her behalf or extraordinary circumstances require it to maintain the functioning of the system. Extraordinary circumstances include, but are not limited to the following: reading the header of an incorrectly addressed e-mail message to try to send it to the intended recipient, investigations of suspected violations of LIS policies, medical or need-to-know emergencies, financial or legal audits, or when required to comply with law enforcement authorities. LIS will not monitor the activities of those that use the campus network or the Internet, unless allegations of improper behavior are brought to our attention by others, or we discover inappropriate activities in the course of investigating problems with network performance. We do routinely monitor traffic levels on portions of the network, to maintain optimal performance, and take note of which individual machines may be generating large volumes of traffic. Routine monitoring is concerned only with load on the network resources and does not seek to eavesdrop on the nature of the information being transmitted. (See *Privacy of Electronic Files and Communications policy statement for further details.*)

2b. LIS will endeavor to protect users from the unauthorized activities of others and will educate users about how they can protect themselves from breaches of their privacy or the security of their computers.

2c. LIS will strive to maintain the systems and networks in optimal performance for the good of the community and will address and correct situations that impair their efficient functioning or hamper users' appropriate activities.

We all must recognize that our actions as network-linked computer users have consequences. Users whose activities or malfunctioning equipment undermine the performance of common resources may be disconnected from the network or denied access to central systems until the problem is corrected. Irresponsible or unethical activities may result in penalties or the loss of privileges. Additionally, deliberate abuse or activities in violation of the rules and regulations of the College may result in penalties consistent with the judicial procedures and policies of the College. Users should be aware that activities that may seem benign to them (like sharing pirated music recordings) or harmless pranks (like gaining unauthorized access to remote computers) are increasingly being aggressively prosecuted and litigated by the wronged parties.

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

Computing Policies - General

Computing Environment

Library & Information services (LIS) Help and Support web pages include information about College computing facilities, supported software applications, accounts, email services, computer configuration and repair.

It is your responsibility to back up and to protect your data. LIS encourages all faculty, staff, and students to store files in personal folders provided for them on our central file servers, where they will be backed up by LIS, and/or to back up files yourself. You must install and use virus protection software. Please contact the Helpdesk for assistance.

No fees are charged by the College for Internet use, and we do not monitor the details of individuals' activities except under extraordinary circumstances. (See also these policies: *Responsible Use of Computing and Network Services and Facilities; Web Page Policies; Network Policies; Privacy and Security of Data, Files and Communications.*)

Computing Labs at Middlebury College

Computing labs at Middlebury College are for the exclusive use of the Middlebury College community (faculty, staff and students) with priority given to Middlebury College students. Those using the labs should be prepared to present their College ID card, if asked.

Researchers and members of the community may use library computer workstations for research needs and online information access. A special guest login may be required; check at the library information and branch library circulation desk to obtain login passwords. Middlebury College student, faculty, and staff access to library workstations is given precedence over all other use. Non-College community members may be asked at any time to relinquish the workstation to Middlebury College students, who are encouraged to approach any LIS staff member if they need access to a computer, or to raise concerns about the appropriateness of computer use. All use of these workstations by non-College community members are governed by the same policies that govern the College community. These policies can be found below under *Responsible Use of Computing and Network Services and Facilities*. Those using the workstations should be prepared to present proper identification, if asked. Those who abuse this privilege or violate the College's Responsible Use Policy will be asked to leave, and will no longer be

permitted to use College library and computing facilities.

Plans call for students to have printing quotas in computer labs and the libraries, as recommended by Community Council. Once the quota is exceeded, students may be charged for each page printed. Campus visitors will be charged or restricted in using public printers.

For the safety and well-being of our students, all public computing labs are only accessible via Middlebury ID Access Card after normal business hours.

Family members of faculty and staff are welcome to use the computing facilities, as outlined above. Parents should be present to supervise children and remind them that those around them may be studying or working on projects that require concentration. Unsupervised children creating exceptional disruption will be asked to leave.

Limitation of Liability

LIS and Middlebury College disclaim all warranties, including all implied warranties of merchantability and fitness for a particular purpose. Neither LIS nor Middlebury College shall be liable to a user or any other person for any loss or damage of any kind related to configuration and operation of any computing equipment, including but not limited to, out-of-pocket expenses, consequential damages, inconvenience, loss of data, loss of profits, loss of use, emotional stress, physical injury, or damage to software or hardware. LIS will endeavor to perform timely assistance, but LIS will not be liable for failure to do so. LIS makes no warranty, express or implied, that it will be able to configure or repair equipment.

Computing Policies - Faculty and Staff

Faculty and Staff Computing

Library and Information Services (LIS) provides a single office computer to each faculty and staff member who requires one for performance of job responsibilities. This is a College-owned computer and remains at the College when the faculty or staff member leaves Middlebury. LIS does not provide desktop computers for use at home. Windows-based PCs are deployed for most faculty and staff use unless there are specific needs for other computing systems. A laptop is encouraged for faculty members with long-term appointments to expedite a computing environment in which faculty may use the computer in the office, at home, and in the classroom. Printing is done via the network to departmental office laser printers. Individual office printers are obtained through department or grant funds.

Special software for curricular use is purchased with LIS funds, within budgetary limitations, and after review by our staff to ensure its functionality in public computing labs. Software requests should be submitted at least four weeks prior to the start of each semester. Software solely for research applications should be obtained through departmental or grant funds. All departmental software and hardware orders should be verified with LIS to ensure best pricing and compatibility with existing College systems and licensing arrangements.

Faculty and staff may not register their own domain names with commercial Internet domain registration service providers pointing to office computers on the College network. Similarly, registration of personal domain names for individual faculty or staff accounts is not supported.

Under normal circumstances, when employment is terminated, an employee's e-mail account, file server accounts, and personal web pages are deactivated six months following the last date of work. Emeriti faculty may retain e-mail accounts upon request. In situations of involuntary termination, accounts may be immediately terminated by LIS upon direction of College administration. It is an employee's responsibility to copy for personal retention all personal files from his/her computer and file server space prior to departure.

Confidential Data and Personal/Laptop Computer Security

Personally identifiable information (individual names associated with driver's license, social security, credit card or bank account numbers and access codes) and other confidential information related to College activities must not be stored on individual faculty, staff, or student employee computers. College employees must not reconfigure a College-supplied laptop and personal computer to bypass the prompt for an authorized College username and password upon start-up: passwords must be keyed in, rather than set to be entered automatically. Loss or theft of a College laptop or personal computer must be immediately reported to LIS.

Online Course Material Retention

LIS will retain online course materials for a minimum of two years from the end of the course. Materials may be available after the two-year period, but instructors should not depend on their availability. Instructors who need help moving their materials to longer-term storage may contact LIS at helpdesk@middlebury.edu. Faculty may request that their course materials be deleted

earlier than specified by this policy.

This policy covers online course materials stored on disk space managed by LIS and created by or managed through applications supported by the College including Segue, central course folders and web space; stand-alone discussion forums; email distribution lists; documents; discussions; etc. Some applications do not currently allow deletion based on term; these may be modified as necessary by LIS to allow enactment of this policy. This policy does not cover materials stored in an individual's home directory, personal web space, or departmental or program-based space.

Guiding principles for this policy:

1. To comply with any federal or state laws related to online course material retention.
2. To comply with any fair use policies related to online course material content.
3. To retain centrally-stored online course materials for a period of time that instructors will find helpful.
4. To guide instructors in developing their own procedures for long-term storage of their online course materials.
5. To ensure that online storage space funded by LIS is used efficiently, and to minimize the financial impact of using constantly increasing disk space.

This retention policy shall be reviewed by the dean of library and information services and College administration at the dean's discretion annually at a minimum, and at other times as needed.

Computing Policies - Students

Student Computers

Students may purchase a computer system or bring their own computer to campus (*see Computer Purchase Program below*). Students may connect a single computer to the campus network from their residence hall room. See [Network Policies](#) for details.

LIS will provide free support, to the best of its staff members' ability, with configuration of a student's computer so it will function successfully on the Middlebury College campus network. Difficulties with an operating system, software applications, and printing will be handled on an as-time-permits basis if LIS staff members have sufficient expertise with the product and system. LIS will exercise care with student computers and software, but we cannot guarantee we can fix operating system or software problems, and we are not responsible for random hardware failures. Students are required to stay with their computers or to sign a work order/waiver form when LIS staff or student consultants are working on them. LIS may cease configuration of computing equipment if it determines that configuration is impractical or would require extraordinary efforts, or that equipment is not in good working order. If LIS determines that a computer requires professional repair, it will be the user's responsibility to arrange for such repairs. Authorized service should be arranged through the supplier or manufacturer of the user's equipment. Upon request, LIS staff may be able to arrange commercial service, but this is not necessarily available for all makes and models. The user will be responsible for any charges incurred for outside professional service.

Computer Purchase Program

Information about special pricing on recommended computer models for personal purchase are available on the LIS website. Students are strongly encouraged to purchase one of the designated models. If students bring their own systems to campus, LIS will assist in configuration of the computer for network connections, provided the computer meets minimum hardware and operating system requirements. Computers not meeting those standards may be configured by a local computer store, with configuration costs for non-standard systems paid by the student.

Network Policies

Residential Network

Students may connect a single computer to the campus network from their residence hall room. Connection instructions are available at the computing Helpdesk. The network connections in student residences are either 10Mb/s or 100 Mb/s Ethernet; an Ethernet network adapter card and RJ45 cable are required to connect. Students desiring network cables longer than 12 feet to accommodate unique room/furniture arrangements should consult with LIS; in some buildings, the length of the in-the-wall wiring limits the permissible length of extension cables. Modem connections from student rooms are not supported: do not attempt to plug a modem into a network jack. Many new computers come with Ethernet cards built in, or cards may be purchased as add-ons.

Network fan-out devices, such as "hubs," to allow students to connect more than one computer to a single network jack, are prohibited without permission from LIS. They can cause serious malfunction of the local network in certain residence halls. Discovery of an unauthorized network hub may result in the disconnection of the student's network jack. Where possible, LIS will activate a second network jack to accommodate students who have more than one computer.

No student computer may be configured as a router or set up with modems and software to permit dial-in access to College networks from off-campus. Students wishing to configure their machines as servers, have fixed IP addresses, or run other

operating system software than the conventional Microsoft Windows or Macintosh network client systems must first consult with LIS staff. Incorrectly configured machines can cause serious disruptions of the campus network.

Home networking devices, such as DSL or cable-modem devices, home routers, wireless routers and wireless access points, etc., can cause serious disruption of campus network services. The default, "out of the box" configurations of many of these are such that, if connected directly into the campus network, they can disable network access for an entire subnet. *No such device may be connected to the campus network without prior consultation and approval of LIS network management staff.* Discovery of unauthorized devices may result in immediate disconnection of network service. If a device is found to be disrupting network services, it will immediately be disconnected from the network while LIS staff members attempt to contact the owner.

Students may NOT register their own domain names with commercial Internet domain registration service providers pointing to computers on the College network. Network services to a student room will be terminated if such activity is discovered.

Communications Infrastructure Maintenance

Improperly configured or malfunctioning computer or communication equipment can seriously degrade the operation of the College's communication networks. It may be necessary for LIS personnel to enter a student room to confirm the location of such a device, and, if necessary, disconnect it from the network until the situation can be resolved. LIS will attempt to contact the student before entering the room, but time-critical situations, where significant network services are impacted, may require entry without prior approval. Students' computers will not be touched without their prior consent; room entry will be only for the purpose of confirming that the misbehaving computer has been properly identified. For the protection of the student, the Department of Public Safety and/or the Commons office will be notified if entry is made without prior approval. Any temporary disconnection will be made in the network equipment closet, without directly handling students' property.

If students request assistance from LIS to repair a problem with their network connection, they may give LIS permission to enter the room and disconnect equipment for testing and troubleshooting in their absence.

Similarly, telephone services personnel may enter student rooms in the residents' absence to effect repairs to voice telephone equipment or infrastructure.

Network Security Policy

In order to maintain the best possible computing environment for students and faculty, as well as to maintain the stability of the Middlebury College computer network, Library and Information Services (LIS) expects members of the College community to abide by policies and procedures regarding the use of computing resources on campus and the interaction between on-campus resources and the outside world. Although the Internet is a useful tool, malicious users and software programs from outside the College's computer network may negatively affect the experience of network users if not actively dissuaded.

Peer-to-Peer (P2P) traffic is one medium to exchange information over the network. Priority is given to academic and administrative non-P2P traffic both leaving and entering the college's network. Otherwise, P2P traffic would easily consume the college's Internet bandwidth.

Viruses and worms, if allowed on the network, can cause considerable computer system damage and downtime. Attachments of all electronic mail sent through the Middlebury network are scanned automatically by anti-virus programs for malicious content and blocked when found to be infected. To protect the network from the automatic proliferation of worms, all student, faculty, and staff computers must be correctly patched and protected from common threats, as described in the "Responsible Use of Computing and Network Service and Facilities" section of the College Handbook.

LIS reserves the right to block all traffic and services deemed malicious, through the use of firewall rule sets that protect Middlebury's computing resources from the Internet. Firewall policies will not affect or impair the use of the College network, Internet, or off-campus resources by most users. Students, faculty, and staff with systems that require Internet access beyond that granted by our standard rules must submit those systems to a full security review by appropriate LIS personnel. Such systems and any unfiltered systems will also be subject to additional reviews required by LIS. Privileges will be removed from any systems unable to pass a review. Such systems may, by decision of LIS, be restricted from internal network services or protection for the duration of their outside exposure.

With new attacks and vulnerabilities commonly discovered in a wide range of systems, LIS cannot predict what malicious network use may surface. To defend our community against new or emerging network security threats, LIS reserves the right to respond immediately by imposing network restrictions upon any computer system at the College without prior notice.

Standards for Remote Access

Before accessing Middlebury College's network remotely, either via dial-up or Virtual Private Network (VPN), users must ensure that the computer they are using to connect to the Middlebury network is clean of all spyware, malware and viruses, whose existence can be the most direct way of compromising network security and passwords. If spyware, malware or viruses are seen emanating from a computer that is remotely connected, the user's account will be locked until the password is changed and the user's remote access permissions will be revoked until their computer is serviced.

Automated network management and remediation

The campus network employs an automated network management system that forces all unregistered network devices

(computers, game consoles – anything that plugs into the network) into a private portion of the campus network. In order to gain access to the College's servers and the Internet, all users must first register their computers (or network aware devices). Part of the registration process involves automatically scanning the user's computer for potential virus risks that could threaten the campus network and other computers on the network; while this scan is passive (and requires no user interaction), if a vulnerability is found, the computer will be automatically placed in a quarantined portion of the network until remediation of the vulnerability occurs. Registered computers are automatically scanned periodically for new vulnerabilities as they are released and, as such, users' computers may be placed in quarantine until appropriate patches are applied.

If a computer is found exhibiting viral or malicious activity it will be placed in an area of the network where it poses no threat to other computers on the network. While LIS network management staff does not inspect data directly, we do employ automated measures to look for signatures of malicious activity that might pose a threat to the campus network and others.

Telephone Services

Telephone Services provides all voice services to the College. Faculty, staff, and residential students are offered local and long distance service and voice mail boxes. Off-campus students may use voice mail boxes using their assigned College extensions.

Please consult the Telephone Services webpages for service descriptions, how-to guides for the telephone and voice mail systems, prepaid long-distance services for students, and sources for additional information.

Password Policy

All Middlebury College students, faculty, and employees (including contractors and vendors with access to Middlebury College systems) are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords. Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password may result in the compromise of Middlebury College's entire computer network.

This policy defines standards for creation of strong passwords, their protection, and required frequency of change. The policy applies to all individuals who have, or are responsible for, an account (or any form of access that supports or requires a password) on any system that resides at any Middlebury College facility, has access to the Middlebury College network, or stores any non-public Middlebury College information.

Standards for Creating Strong Passwords

All user-level and system-level passwords must conform to the Middlebury's Guidelines for Construction of Strong Passwords, described below.

Guidelines for Construction of Strong Passwords

Passwords are used for various purposes at Middlebury College. Some of the more common uses include: user level accounts, web accounts, email accounts and Banner logins. Since it is very easy to guess or crack certain types of passwords, everyone should be aware of how to select strong passwords.

Users must construct strong passwords with all these characteristics:

- a. contain both upper and lower case characters and digits(e.g., a-z, A-Z, 0-9)
- b. contain punctuation characters (*listing updated 15-May-2008*)

the following are acceptable:

~ ^ * _ ? \ . / ! + - { } []

the following are *not* be used for Middlebury's systems:

@ \$ & " : () , < > ` ; = | # % (and blank spaces)

- c. are at least eight alphanumeric characters long
- d. are not a word in any language, slang, dialect, jargon, etc.
- e. are not names of famous people, characters in TV shows or movies
- f. are not based on personal information, names of family, etc.

Users must avoid poor, weak passwords with any these characteristics:

- a. less than eight characters long
- b. a word found in a dictionary (English or foreign)

- c. a common usage word
- d. any representation of the user's birthday
- e. the name of family, pets, friends, co-workers, fantasy characters, etc.
- f. the words "Middlebury College", "middlebury", or any derivation
- g. an alphabetic or numerical pattern such as aaabbb, qwerty, zyxwvuts, 123321, etc.
- h. any of the above spelled backwards
- i. any of the above preceded or followed by a digit (e.g., secret1, 1secret)
- j. other personal information such as addresses, social security and phone numbers

A suggested way to create a password is to devise a mnemonic on a song or book title, affirmation, or other phrase. For example, passwords based on the phrase "This May Be One Way To Remember" could be "TmB1w2R!" or "Tmb1W>r~" or some other variation. NOTE: Do not use either of these examples as passwords!

Standards for Password Protection

All passwords are to be treated as sensitive, confidential Middlebury College information. Passwords must be changed on a regular basis (see Standards for Frequency of Changing Passwords).

Passwords MUST remain confidential. Users must NEVER:

- a. reveal a password in an email message, instant messaging software, or other forms of electronic communication
- b. reveal a password over the phone to anyone
- c. reveal a password on questionnaires or security forms
- d. reveal a password to anyone, including other employees or students, supervisors, administrative assistants, student workers, friends, or family members
- e. reveal or talk about a password in front of others
- f. hint at the format of a password (e.g., "my family name")
- g. write down passwords and store them anywhere in your office or room
- h. store passwords in a file on any computer system (including Palm Pilots or similar devices) without encryption
- i. use the same password for Middlebury College accounts as for non-Middlebury College access (e.g., personal internet account, option trading, electronic banking, benefits, etc.)
- j. use the "Remember Password" feature of applications (e.g., Outlook, Internet Explorer, Netscape Messenger), whenever possible

No Middlebury College student or employee should ever request another member the community for a password. If someone demands a password for a College computer or account, refer them to this policy, or have them contact the LIS Help Desk helpdesk@middlebury.edu.

If an account or password is suspected to have been compromised, report the incident by sending an email to helpdesk@middlebury.edu and then change ALL passwords. Passwords may be changed by visiting <http://go.middlebury.edu/password>.

Standards for Frequency of Changing Passwords

Passwords for Middlebury College computer and network accounts must be changed at least every six months (for user access to the College network, e-mail, Banner, file servers, Segue and course management systems, special College web applications).

Users with administrative or system-level access (e.g. root, local or domain administrator and enable) must change passwords at least every three months.

When possible, College computer systems will be programmed to notify users in advance that passwords are due to expire and will prompt the users to select new passwords.

Privacy and Security of Files, Data and Communications

CONFIDENTIAL DATA AND PERSONAL/LAPTOP COMPUTER SECURITY

Personally identifiable information (individual names associated with driver's license, social security, credit card or bank account numbers and access codes) and other confidential information related to College activities must not be stored on individual faculty, staff, or student employee computers. College employees must not reconfigure a College-supplied laptop and personal computer to bypass the prompt for an authorized College username and password upon start-up: passwords must be keyed in, rather than set to be entered automatically. Loss or theft of a College laptop or personal computer must be immediately reported to LIS.

*see also, below: **Banner Security Procedures** for additional policies & practices related to data integrity and stewardship*

CONFIDENTIALITY OF LIBRARY RECORDS

Borrower records maintained by the libraries, which contain information relating to the identity of a library borrower or the borrower's use of books or other materials at the library are confidential. Middlebury College ID holders may access their library accounts via a protected account on the library's Web page.

These records may only be released with the express written permission of the borrower involved, or as the result of a subpoena, warrant or court order. Under terms of the USA PATRIOT legislation, the College may not be permitted to inform you if information has been released as part of a terrorist or criminal investigation. Under Vermont law, Sec. 1. 22 V.S.A. chapter 4:

§ 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS

(a) A library's patron registration records and patron transaction records shall remain confidential.

(b) Unless authorized by other provisions of law, the library's officers, employees, and volunteers shall not disclose the records except:

- (1) with the written permission of the library patron to whom the records pertain;
- (2) to officers, employees, volunteers, and agents of the library to the extent necessary for library administration purposes;
- (3) in response to an authorized judicial order or warrant directing disclosure;
- (4) to custodial parents or guardians of patrons under age 16;
- (5) to the custodial parents or guardians of a student, in accordance with the federal Family Education Rights and Privacy Act, by the library at the school the student attends.

(c) Statistical records pertaining to the patronage, circulation activities, and use of any service or consultation the library provides, provided that they do not contain the names of patrons or any other personally identifying information, shall be exempt from the provisions of this chapter.

§ 173. RIGHT OF PATRON ACTION

Any person whose confidential patron registration records or patron transaction records have been disclosed, except as provided in this chapter, is authorized to bring a civil action against the library that disclosed the records.

PRIVACY OF ELECTRONIC FILES AND COMMUNICATIONS

The following guidelines shall serve to protect the privacy of the Middlebury College community.

1. College computing resources are provided for educational and administrative purposes. We recognize that computing resources will be used for storing and communicating many types of information, including that of a personal nature. Members of the College community are expected to be judicious in their use of computing resources. These resources should never be used for personal for-profit gain, theft, fraud, invasions of privacy, distribution of illegal materials, or distribution of copyrighted or licensed materials without appropriate approval. Individuals bear the responsibility to avoid libel, obscenity, undocumented allegations, attacks on personal integrity, and acts of harassment.

2. Files stored on an individual's computer or on a shared central system or file server are considered private, to be viewed only by the original creator of the files, unless otherwise so designated by the creator. Access to files by others is prohibited without just cause. (*See section 5 below.*)

2a. Faculty and staff should take steps to assure that documents necessary to the operation of the College are available to those that may require them.

3. Electronic communications and messages (such as e-mail) are considered private, to be viewed only by the original sender and designated recipient(s). Access to messages by others is prohibited without just cause or permission. (*See section 5 below.*) We encourage individuals to reinforce this for sensitive files and messages by flagging them as confidential.

3a. As a matter of principle and ethics, individuals bear the responsibility for assuring that e-mail messages, including attachments and previous appended messages, are forwarded only to parties whose interest is consistent with the purpose of and intent of the previous correspondents. If in doubt, obtain the consent of the original correspondents before forwarding.

4. Members of the Middlebury College community should be aware of the following considerations:

4a. Data storage and communications are not perfectly secure. There are software and physical limitations that can compromise security. LIS tries to minimize such exposures, but the risks exist.

4b. Mail delivered outside of the College is notably insecure and should be treated like a postcard. Individuals may redirect (forward) their electronic mail to another Internet site off-campus. Unless you know that the intended recipient of an e-mail message has not redirected mail to an off-campus site, you should assume the possibility that others may see the content of the message.

4c. Deletion of files or e-mail messages does not guarantee the inaccessibility of those files and messages. Centrally maintained file-storage devices and mail systems are archived to magnetic tape regularly. These archive tapes are kept for 60 days.

4d. Privacy depends upon individuals keeping their password secure. Anyone using Middlebury College systems must have difficult-to-guess passwords and must not share his or her password with others.

4e. Many off-campus Internet sites may record information you provide and divulge this to others without your prior consent. In some circumstances, information about you, your activities on the remote site, and information about your computer, may be recorded without your knowledge. Some remote Web sites may store information on your computer in the form of hidden files or "cookies." Caution and prudence are advised when providing any information you would consider confidential to unknown third parties.

5. Access to another individual's electronic files and e-mail is permissible only if there is just cause in the following situations:

5a. If the creator of files, or the sender/recipient of electronic mail messages, has granted specific permission for another individual or individuals to view designated files and messages.

5b. In the event of a significant electronic mail system software problem that prevents automatic delivery of electronic mail, e-mail message headers must be read by authorized LIS staff to direct e-mail to the intended recipients.

5c. In cases of suspected violations of LIS policies, especially unauthorized access to LIS systems, the administrator of the LIS system may authorize detailed session logging and/or limited searching of user files to gather evidence on a suspected violation. Illegal, irresponsible, or unethical activities may result in loss of privileges or penalties consistent with the judicial procedures and policies of the College.

5d. In the event of a medical emergency involving a member of the College community which renders them unable to access files or messages considered essential for the continuation of College business, another individual may access the individual's electronic files and communications under the procedures set forth in section 6 below.

5e. In the event of a need-to-know emergency (suicidal or homicidal threat), access to an individual's files or messages is permitted, following the procedures outlined in section 6 below.

5f. In the event that a local, state, or federal law-enforcement authority in the investigation of a crime, civil litigation, or regulatory proceeding produces a subpoena, discovery request, or warrant granting access to files or messages, following the procedures outlined in section 6 below.

5g. In the event of a financial or legal audit, following the procedures outlined in section 6 below.

5h. In any other instance, no access is granted to an individual's electronic files or messages without prior review and approval by the appropriate body as indicated in section 6a below.

6. Emergency access to another individual's electronic files and messages is granted only under conditions noted in section 5 above.

6a. Before invoking any such procedure, the circumstance creating the need for access shall be reviewed in a timely fashion, access shall not take place without approval, and specific procedures and strictures may be recommended for each circumstance. The persons involved in the review and approval process will vary depending upon the individual involved:

- Human Resources will assume review and approval responsibility in cases involving a faculty or staff member.
 - The dean of of the College or the appropriate Commons dean will assume review and approval responsibility in cases involving a student.
 - LIS will work with the departments mentioned above to determine if the needs of the College or third party requesting access outweigh the privacy needs of the individual.
- 6b. A neutral third party (not the person's supervisor, adviser, or teacher) shall examine files and messages on the individual's computer, mailbox, or file-server space and provide only the specifically requested file(s) or message(s) to the requester.
- 6c. The student, staff, or faculty member will be notified that access has been granted to his/her files or messages unless there is sufficient and compelling reason not to have done so.
- 6d. No other files or messages may be copied, transferred, or forwarded.
7. The LIS personnel charged with the administration of the College's computing systems and file servers take their obligations to protect individuals' privacy very seriously. The professional standards consistent with positions that require select individuals to have access to personal and sensitive information are strictly enforced. In accordance with general College policy, inappropriate use, access, or sharing of confidential information is grounds for summary discharge of employment. (*see the section on summary discharge in the Employee Handbook entitled Leaving Middlebury College.*)
8. Middlebury College has procedures, protocols and training programs for employees to optimize privacy and security of financial transactions and personal information in compliance with the Gramm-Leach-Bliley Act. (*see also Banner Security Procedures below*).
9. These policies are subject to change only as may be reasonable under the circumstances.

BANNER SECURITY PROCEDURES

Banner information systems are an integral part of the mission of Middlebury College. The college has made a substantial investment in human and financial resources to obtain and manage these systems. The following procedures have been established to protect this investment and the good reputation of the college; to develop data stewardship to safeguard the information contained in these systems; and to enhance the fulfillment of the mission of the college.

LIS staff members in the Systems and Infrastructure area and the Web services workgroup, the database administrator (DBA), and the Banner systems administrator are responsible for the administration of these security procedures, in accordance with all college information policies dealing with security, access, and confidentiality of college records.

Statement of responsibility

All users of Banner, BannerWeb, and applications that depend on Banner data (such as Hyperion and Resource25) are required to comply with these security procedures.

Systems and Infrastructure (S&I) responsibilities

S&I shall be responsible for the administration of all access controls for Banner. S&I will process adds, changes, and deactivations to user accounts upon receipt of a written request from the end user's supervisor or manager. (See sections titled Request for user access process and Access deactivation process.) Requests to add or change access must include all required approvals for the appropriate level of access. Requests to deactivate access may be processed by an oral request from Human Resources prior to the receipt of the written request. The DBA and the systems administrator will maintain records of all processed access requests in a secure area.

Employee responsibilities

An employee who uses Banner or applications that depend on Banner data shall:

- Ensure that all Banner access requested and used is for professional reasons and they are required for their productivity.
- Use and protect their own account passwords and privileges, and not share those with other employees or non-employees.
- Be responsible for the content of all Banner data that is placed over the Internet or sent through email.
- Know and abide by all college information policies dealing with security and confidentiality of college records.
- Avoid transmission of nonpublic Banner information. If it is necessary to transmit nonpublic information, employees are

required to take steps reasonably intended to ensure that information is delivered securely to the proper person who is authorized to receive such information for legitimate college use.

Supervisor and manager responsibilities

Supervisors and managers shall:

- Ensure that all appropriate personnel are aware of and comply with these security procedures.
- Provide appropriate data stewardship in their areas of responsibility.
- Work with the DBA and the systems administrator to create and validate proper authorizations for Banner data access for current and new employees.
- Create appropriate control practices, standards, and methods designed to provide reasonable assurance that all employees observe these security procedures.
- Provide appropriate support and guidance to assist employees in fulfilling their job responsibilities under these security procedures.

HR (Human Resources) responsibilities

HR will notify S&I of employee transfers and terminations biweekly, or as soon as necessary. Involuntary terminations will be reported concurrent with the termination.

Data stewardship

Data stewardship has as its main objective the management of the college's data assets in order to improve their usability, accessibility and quality. This is accomplished through the role of the data steward. The primary data stewards are the department heads, or their designates, who have planning and policy level responsibility for data within their areas, and management responsibilities for defined segments of the institutional data. In the simplest terms, the data stewards could be said to be the owners of the data. Currently, data stewardship is the responsibility of the Banner functional leads and their designates, and the Data Integrity Group members.

It is the data stewards' responsibility to develop consistent data definitions, develop and adhere to data standards created by the institution, document the business rules of their area, monitor the quality of the data input and output from the Banner systems they use, define security requirements, work with other data stewards on integration requirements, and communicate critical uses of data on which other departments depend. As data are developed, the data stewards assure that storage and access of the data is appropriately managed. This shall include the classification of all forms, views, reports and all other forms of access in which this data is expressed.

The data stewardship function shall have one or more data stewards assigned to each major data subject area. These subject areas consist of the major Banner modules, comprised of Finance: Controller's Office, Accounts Payable, Accounts Receivable, Purchasing, Budget Office; Human Resources: Payroll and Position Control; College Advancement and Development; Student Systems: Admissions and Recruiting, Catalog, Schedule and Location Management, Registration, Academic Records and History, Fees and Billing, Faculty Load, and Housing; and Financial Aid. The College also maintains and develops custom applications that are designed and integrated with Banner which also require data stewardship, including Vehicle Registration and Ticketing, and College Driver License systems for Public Safety.

Oracle security requirements for Banner

Security classes and class ownership

Banner security is designed and implemented based on inherent characteristics of Oracle database security, including password management, object privileges, security roles, and grants. Banner maintains security classes that enable Oracle roles containing specific object privileges. These security classes allow the college to implement a distributed security model based on security class ownership of specific Banner functionality and data. The functional lead or a designated data steward shall be the security class owner who controls all access requests for the security class.

Each Banner module and functional area shall design a set of security classes which define all forms used within their module or area and the access type of either Query (view only) or Maintenance (adds, changes, inserts, and deletes). In addition to Oracle database security implemented in Banner security, some of the modules provide system specific security at the form level. This allows the college to maintain security by fund and organization code, employee class code, and/or salary range. Details on the design and definition of Banner security are available in the Banner Technical Reference Manuals.

Security classes can be designed based on the following access types:

- Administrator, Maintenance access—an administrator with global access to tables and forms for administration purposes in a given module, allows view and change (updates, inserts, and deletes)
- Internal user, Query access—a selection of relevant forms, allows view only
- Internal user, Maintenance access—a selection of relevant forms, allows view and change

- External user, Query access—a selection of relevant forms for individuals outside of a given functional area, allows view only
- External user, Maintenance access—a selection of relevant forms for individuals outside of a given functional area, allows view and change
- Student user, Maintenance access—a limited selection of relevant forms for data input

In general, a user may have multiple security classes assigned to him/her, rather than developing a custom security class to meet the needs of an individual, or sporadically adding individual forms to a given user account to create a completely custom profile for each person. For example, the gift processing department manager in Advancement may need the External user, Query access type for budget forms to review the department's budget; the Internal user, Maintenance access type for Advancement gift processing to assist with inputting gift data; and the Internal user, Query access type for Advancement for donor-related information to see but not modify relevant information related to donors.

User accounts

To use the Banner client software or BannerWeb a user must have an Oracle user account in the appropriate databases in accordance with their job function. During the implementation phase of any Banner module, a user may have multiple user accounts in the Production, Pre-Production, Practice, Training, and Development databases. All Oracle user accounts for Banner are created by the DBA or the systems administrator.

Access control

The data access type and security classes appropriate to the user shall be approved by the functional lead or the data steward of the functional area before the user account can be established or maintained. In some areas the security class maintenance function is performed by the technical or functional lead in accordance with special administration rights granted by the DBA and Systems Administrator. Questions about the different data access types for security classes should be directed to the DBA and systems administrator.

Oracle security requirements for Hyperion and other applications using Banner data

Security roles and role ownership

Each Banner module and functional area shall design a set of Oracle security roles that define object privileges on all tables, views, object access views, and custom views used within the module and the access type of either Select—allows query for reporting only; or Update, Insert, and Delete—allows data to be changed and is restricted to Technical Leads for conversion and special purposes. These security roles allow the college to implement a distributed security model based on security role ownership of specific Banner data. The functional lead or a designated data steward shall be the security role owner who controls all access requests for the security role. In addition to Oracle database security, some of the Banner views provide system specific security at the view level using functions that filter the data so that only the appropriate data is shown to the user. This allows the college to maintain security by fund and organization code, employee class code, cashiering, and/or salary range.

To use other applications such as Toad and SqlPlus a user must have an Oracle user account, or an authorization to an existing Banner schema account such as is needed for system or application development. All authorizations to existing Banner schema accounts are granted by the DBA or the Systems Administrator. No Middlebury College student or employee should ever request from another member of the community a Banner schema password. If someone demands a Banner schema password for a College computer or account, refer the user to this policy, or have the user contact the LIS Help Desk, helpdesk@middlebury.edu.

User accounts

To use Hyperion applications, a user must have both an Oracle user account with security role grants and an Hyperion account. The Oracle user account is granted the appropriate security roles by the DBA or the Banner systems administrator.

Access control

The Hyperion product type and security roles appropriate to the user shall be granted by the functional lead or the data steward of the functional area. Questions about the different data access types for security roles for Hyperion products can be directed to the reporting specialist for the area, the Hyperion system administrator, the DBA, or systems administrator.

Request for user access process

A basic form is provided to all functional leads which they submit for each new employee, or changes in positions/responsibility for existing employees. If an employee leaves one area and begins working in another, a termination form **MUST** be submitted by the original area, and a new employee form submitted by the new area to guarantee that permissions from one don't "linger" into the new area.

Steps to create user access:

- if new employee, network access created first
- must have written request
- create Oracle user account
- grant security classes
- if Hyperion needed, must have written request
- grant access to user account to Hyperion
- Functional Lead grants security roles
- if employee needs system level security (Fund/Org, Eclass, etc.) send to appropriate data steward for setup

Access deactivation process

HR will send a written request to S&I for an employee's access to be deactivated due to transfer or termination with the effective date. On the effective date, and within 24 hours of the employee's official separation from the college, the Oracle user account and BannerWeb access will be expired and disabled. Some level of access detail information is retained for audit purposes. Timeliness is essential to prevent any unauthorized access to data, therefore HR also submits this information to S&I to guarantee that both internal and external users of a Banner module are also removed from the system in a timely manner.

Security assessment

Each functional area has a clearly defined set of Banner security classes that is readily available for review and stored in a location that is available to said area, as well as appropriate systems management staff. Each area reviews the definition of their classes at least annually, and at the time of a system upgrade, to guarantee definitions are still appropriate, and that newly delivered forms are assigned to appropriate classes. Each functional area is required to review and sign off on their Banner security classes each year.

At least twice a year, the functional lead representing each module of Banner receives from the DBA or systems administrator a printed report of all users who currently have access to some portion of their data and the roles assigned. Functional users are REQUIRED to review this information, sign off, and return this to the DBA and systems administrator to keep on file. Receipt of this report is the final "catch all" particularly for users perhaps outside of the functional lead's primary area. Before returning to the systems administrator, the functional lead determines that those external to their primary area are still employed similarly and need access similar to what had been originally granted. Changes are typically fairly limited, as the termination protocol should capture these changes immediately. Non-receipt of this important documentation may result in user account terminations.

Web and Email

WEB PAGES AND ELECTRONIC MAIL

Web Page Policies

The content of Middlebury College's web sites results from contributions by institutional, departmental, and individual content providers who are responsible for the content of their postings. In some cases, the College's web sites provide access to personal information posted by individual members of the College community.

College Communications and Web Services provide oversight of the College's web sites by assuring a high level of accuracy, quality, and timeliness of information and ensuring proper use of the College's brand identity. In addition, the design and organizational structure of web sites are monitored so that these online presences reflect positively upon the College. To advance the use of the web as a resource for people seeking information both on and off campus, College Communications and Web Services encourage and remain aware of other groups who develop courseware content and academic, administrative, and library applications, and work to support and guide them in these efforts.

Departmental/Institutional web pages are created and maintained by academic and administrative departments and programs on campus, in coordination with College Communications. These pages provide official representation of Middlebury College and are expected to comply with the guidelines in this document and related policies available from College Communications and Web Services.

Curricular web pages are created by faculty and students with assistance provided by LIS. These pages are used in conjunction with courses taught at the College to encourage innovation in teaching and learning.

Personal web pages are created by individual members of the College community (students, faculty, and staff), and by student organizations. Further guidelines for personal pages are provided below.

Guidelines for All Web Pages

1. Materials and information created and posted on Middlebury College Web sites are the intellectual property of institutional, departmental, or individual information providers. These providers must comply with copyright and fair use laws such as the Digital Millennium Copyright Act of 1998 and all relevant College policies, including those governing use of computing resources,

nondiscrimination, harassment, use of College facilities and services for commercial purposes, and student and employee conduct.

1a. Any use of Middlebury College's Web sites for illegal or inappropriate activities or harassment is prohibited. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Inappropriate use shall be defined as a violation of the intended use of the College's computing resources and policies, and/or the purpose and goals of the College Web site. Harassment is defined and addressed in the Middlebury College Harassment/Discrimination Policy Statement found in the *College Handbook*.

1b. Unauthorized use of Middlebury College's Web sites for commercial purposes is prohibited. Personal or institutional Web pages may not be used for direct advertising for personal profit or gain. Direct links to non-College commercial entities, unless directly related to research or the curriculum, are prohibited unless approval is granted by College Communications.

1c. Unauthorized use and/or distribution of others' intellectual property (including but not limited to text, images, sound, and software) violates College policies and the Honor Code, and is prohibited. Middlebury College intends to comply fully with the Digital Millennium Copyright Act of 1998.

1d. Exploiting Middlebury College's Web sites for malicious purposes is prohibited. Discovered exploits should be reported to webmaster@middlebury.edu, immediately. Public disclosure of means to exploit the College's web sites is prohibited and is subject to disciplinary action.

2. As stated in the Middlebury College Harassment/Discrimination Policy Statement, Middlebury College recognizes that the protection of free and open speech and the open exchange of ideas are essential to any academic or artistic community and crucial for the activity of scholars and artists. Free, honest intellectual inquiry, debate, and constructive dialogue are vital to the academic mission of the College and must be protected, even when the views expressed are unpopular or controversial.

2a. Middlebury College also recognizes that contents of electronic publications or electronic communications can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. As an educational institution, Middlebury College is committed to maintaining a campus environment where bigotry and intolerance, including discrimination on the basis of gender, sexual orientation, gender identity and expression, race, ethnicity, religious beliefs, physical ability, or age have no place, and where any form of coercion or harassment that insults the dignity of others and interferes with their freedom to learn or work is unacceptable.

Guidelines for Departmental / Institutional Sub-Sites

1. www.Middlebury.edu is the College's official on-line presence. This web site is an integrated-information system which provides information about the College to external audiences and enables access to institutional services and resources for research and scholarship for faculty, staff, and students.

2. All appropriate departments at Middlebury College must have a presence in the College's www.Middlebury.edu web site. Departmental sub-sites will conform to the design and content standards as defined by College Communications.

3. Each department or office must designate a single individual who is the liaison to College Communications and Web Services, and who is primarily responsible for the content of that department's or office's sub-site. The liaison, generally referred to as Content Provider, must be a current member of the faculty or staff. The liaison may designate additional faculty, staff, or students that may be given appropriate security permissions necessary for editorial access to the files of that department or office only. College Communications and Web Services will review and process requests for editorial access on a regular and timely basis.

3a. The liaison is named on the department sub-site, along with e-mail and phone contact details. Suggestions for changes, additions, and corrections to the content of the sub-site should be sent to the Content Provider.

3b. Liaisons are responsible for keeping the contents of sub-sites current and accurate. Departmental sub-sites must be reviewed at least annually, prior to the beginning of the academic year or current program.

3c. Liaisons are also responsible for keeping departmental sites that do not live under www.Middlebury.edu current and accurate, such as those hosted under cat.Middlebury.edu and web.Middlebury.edu.

4. Departmental or institutional content hosted on other College Web sites and systems (such as blogs and wikis and course web pages) must follow the above Guidelines for All Web Pages.

Guidelines for Student Organization Sites *[updated August 17, 2007]*

1. Currently registered student organizations may post and publish their own Web content upon approval by the Center for Campus Activities and Leadership (CCAL). Each student organization must annually name a currently enrolled Middlebury College student as Web editor for its Web site. Pages shall be posted on the Web server designated by Library & Information Services.

1a. Pages are solely the responsibility of their creators as authors and publishers. Middlebury College will not regularly monitor or

edit these pages.

1b. Middlebury College assumes no responsibility, legal or otherwise, for the content of student organization pages. Any claims asserted against a student organization or the Web editor of the student organization site for material contained student organization pages shall be the responsibility of the organization.

1c. Student organization sites may not be used for electronic commerce, nor as sites for personal political campaigns.

1d. The College will review complaints, questions, and concerns regarding allegations of copyright infringement, misuse of intellectual property, harassment, use of College Web resources for commercial purposes, and other legal issues. If the complaint is valid, the College will contact the student organization's Web editor and request immediate revision of the Web page and/or removal of inappropriate materials in compliance with College policies, intellectual property law, and guidelines for responsible use of computing resources. The College may shut down the Web site if there is inadequate or no response from the student organization. Illegal, irresponsible, or unethical activities may result in loss of privileges or penalties consistent with the judicial procedures and policies of the College.

Guidelines For Personal Pages and Postings

1. Middlebury College provides faculty and staff and currently enrolled students the opportunity to post and publish Web content.

1a. Personal pages and postings to College systems are solely the responsibility of their creators as authors and publishers. Middlebury College will not regularly monitor or edit personally posted content.

1b. Middlebury College assumes no responsibility, legal or otherwise, for any content hosted on a Middlebury system. Any claims asserted against an individual author for posted material shall be the responsibility of that individual author. Faculty, staff, and students should provide identifying information (typically, an e-mail address) when creating a personal web site.

1c. Faculty, staff, and students who are candidates for public office may not use their personal Web pages as campaign sites. Members of the College community who are seeking public office should arrange with other Internet service providers to host campaign Web pages.

1d. The College will review complaints, questions, and concerns regarding allegations of copyright infringement, misuse of intellectual property, harassment, use of College Web resources for commercial purposes, and other legal issues. If the complaint is valid, the College will contact the individual creator of the posting or Web page and request immediate revision of the posted information and/or removal of inappropriate materials in compliance with College policies, intellectual property law, and guidelines for responsible use of computing resources. Illegal, irresponsible, or unethical activities may result in loss of privileges or penalties consistent with the judicial procedures and policies of the College.

Electronic Mail Policies

Electronic mail as official Middlebury College communication

E-mail is considered an official method for communicating with students at Middlebury College. Official e-mail communications are intended to meet the academic and administrative needs of the campus community. The College expects that such communications, many of which are time-critical, will be received and read in a timely fashion. To enable this process, the College ensures that all students are issued a standardized college e-mail account through their academic years at Middlebury College. Students who choose to forward e-mail from their College e-mail accounts are responsible for ensuring that all information, including attachments, is transmitted in its entirety to the preferred account.

Guidelines for Appropriate Use of All Campus Electronic Mail Messages

1. E-mail messages may be sent to groups comprising all faculty, all staff, and/or all students.

1a. Faculty and staff members may send e-mail messages to all faculty and all staff groups. Students may do so only upon receiving special permission from appropriate College administrative staff members.

1b. Electronic mailings to all students are possible only with permission of appropriate College administrative staff members. Contact LIS for guidance in seeking appropriate permissions.

2. These guidelines simply reflect common courtesy to help everyone's use of e-mail be most efficient:

2a. Messages must relate directly to College business. Announcements of non-college events should be handled through other channels (such as local newspapers). Advertisements for personal items may be accomplished through the staff and student newsletters or newspapers.

2b. E-mail messages should be avoided for College events already listed on-line or in publications, unless there is significant supplemental information or last-minute changes in location or time.

E-mail Retention Policy

Library and Information Services (LIS) creates electronic mail backups daily, solely for the purpose of restoring the entire electronic mail system in the event of a disaster. Backups are retained for a period of 60 days, and then the content is destroyed.

Backups are *not* available in order to retrieve deleted messages nor do they serve as a record for the purpose of retention. If you wish to retain a copy of a message, you should file the message in a folder under your electronic mailbox.

Each department should make provisions for retaining messages in accordance with departmental needs and craft appropriate departmental policies.

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Residential College Facilities, Policies, and Procedures

A. Principles for Residential Life

The following are the guiding principles for residential life at Middlebury College, as adopted by the Community Council in 1991 and presented to the Board of Trustees in March 1991.

1. Students at a residential college are part of a community of learners. Residential life supports and complements the academic programs and educational mission of the College.
2. Cultural and social activities support and complement the educational mission of the College. Residential life gives students substantial opportunities and responsibilities to initiate, organize, and direct the cultural and social life of the College.
3. As Middlebury attracts students from diverse backgrounds, it is crucial that the residential system nurture the educational and personal development of all students. While maintaining options for individual needs and preferences, every residential unit is open to all students without regard to race, sex, religion, ethnic origin, sexual orientation, gender identity or expression, or disability.
4. Residential life encourages tolerance, understanding, mutual respect, and lasting friendships.
5. Residential life gives students substantial control over their own lives. In their residences, students should create structures for self-government that will complement and strengthen campus-wide student government.
6. Residential life assures every student a comfortable and private environment.
7. Residential life encourages first-year students to become active and contributing members of the College.
8. The smaller houses, including those descending from the fraternities, offer varied and attractive living options for a limited number of students. These houses are expected to make distinctive contributions to the life of the campus and local community.
9. The same rules apply to all students and residences.
10. Residential life should facilitate student participation in the larger community beyond the College as well as creating opportunities for significant faculty, staff, and town participation in the life of the College.

B. Commons System

The goals of the Commons System are to build a sense of community by creating more opportunities for meaningful relationships among students, faculty, and staff; to develop programs and events that enrich the Middlebury College experience; and to give students a greater voice in determining the nature of the intellectual, social, and residential life of the College.

Approximately 200 students are housed within each Commons. The five residential Commons are:

Atwater Commons (Allen, Coffrin);
Brainerd Commons (Stewart, Hepburn);
Cook Commons (Battell North, Battell Center, Pearsons);
Ross Commons (Milliken, Hadley, Kelly, Lang);
Wonnacott Commons (Battell Center, Battell South, Gifford).

[update pending August 2008 regarding housing for juniors and seniors]

Each Commons is led by one or two faculty heads, a dean, and a Commons Council, which consists of students representing the various residence halls in the Commons. The Commons Council handles the affairs of the Commons; determines how the budget will be spent; and plans social, educational, and cultural events for the Commons. Council members are also responsible for disseminating information to the residents of the Commons. Brainerd Commons has adopted a constitution and its by-laws

are available in the Commons office.

All members of the College community are encouraged and welcomed to affiliate with a Commons.

C. Policy on Student Social Organizations

For the purposes of this document, a student social organization shall mean an organization, whether located on or off campus, comprised primarily or exclusively of Middlebury College students, that has some of the purposes or attributes of a fraternity, sorority, or social house. This does not imply that Middlebury College authorizes, sponsors, or extends recognition to any off-campus student organizations.

Middlebury College takes the position that an inclusive, open community is fundamental to its mission as a residential institution of higher learning committed to the liberal arts tradition. Middlebury College does not discriminate against any individual on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, service in the armed forces of the United States, or against qualified individuals with disabilities on the basis of disability.

Any social organization which discriminates on the basis of gender or whose practices have the consequence of exclusion on the basis of gender is antithetical to the mission of the College and not appropriate as a model for society at large. Ties with any national organization whose rules or practices are at odds with this belief should not be maintained.

The College assumes that individual students are responsible and accountable for their own behavior and that groups of students are responsible and accountable for their collective behavior. Failure to comply with this policy may result in disciplinary action against an individual or a group. Serious violations of the policy may result in a suspension of up to one year, and repeated infractions may lead to additional penalties.

D. Coeducational Residential Social Houses

1. General College Expectations of Coeducational Residential Social Houses

Middlebury College maintains houses in the belief that they can be a positive addition to the larger campus community and that they provide students with valuable opportunities for assuming responsibility for activities and programs that support the life of the College community. To the end of realizing this potential, each house will prepare a statement of purpose and program that shows how it will contribute to the life of the larger College community. This statement shall be prepared by the officers of the house in consultation with the Inter-House Council (IHC) adviser, and once each academic year each president shall review the statement of purpose and program with the Community Council (Subcommittee on the Houses).

2. Persons and Organizations Responsible for House Affairs

The following persons and organizations in the College community will be responsible for house affairs:

a. The College administration will be responsible for handling the following matters with individual houses:

- i. The senior resident director will work with each house in an effort to achieve its full occupancy.
- ii. The dean of the College, the senior resident director, the Commons dean and the IHC adviser will manage disciplinary problems.
- iii. The director of the Office of Facilities Services will supervise and manage maintenance in each house.

b. The IHC adviser, working with the Inter-House Council, will be responsible for:

- i. consulting on the house system and ways it might be improved;
- ii. updating guidelines and regulations for students in houses and submitting all changes to the Community Council (Subcommittee on the Houses) for approval; and
- iii. insuring a proper understanding in the houses of rules and regulations.

c. The Inter-House Council will be responsible for:

i. developing, in consultation with the IHC adviser, guidelines and regulations for students in houses to be approved by the Community Council (Subcommittee on the Houses);

ii. preparing plans for rush;

iii. submitting the IHC and individual social house budget requests to the Student Finance Committee;

iv. supervising social house access to the food closet;

v. promoting campus interest in the house social system;

vi. aiding houses in meeting the requirements of College, local, and state regulations.

d. The president of each house will be responsible for:

i. reviewing the house statement of purpose and program with the Subcommittee on Social and Academic Interest Houses during the annual house review process;

ii. overseeing the activities and programs in his or her house;

iii. insuring that his or her house adheres to College regulations; and

iv. representing the needs and interests of his or her house in the College community.

e. the Subcommittee on Social and Academic Interest Houses will be responsible for:

i. approving changes in guidelines and regulations for students in houses proposed by the dean of the College and the houses;

ii. recommending to the Community Council appropriate policies and actions pertaining to such matters as housing regulations, social regulations, the gender balance of house residents, rush, and room draw, if and when there is an unresolved disagreement on these matters.

iii. conducting the annual review of social houses as an agent of the Community Council.

f. The Finance Committee of the Student Government Association will be responsible for considering requests from houses for funds to finance functions and purchases that are available to and of general interest to the larger College community.

g. The Community Council will be responsible for recommending to the president the creation of a new social house or the termination of an existing house.

h. The dean of the College has independent authority to recommend the termination of a house (*see 3.d. below*).

3. Guidelines and Regulations

a. Guidelines for Membership

i. All houses must be open to all students. All houses are required to observe the guidelines for membership with particular emphasis on the criteria for guaranteeing women membership, as adopted by the Community Council.

ii. Admission to these houses is conducted through the House Introduction process conducted by the IHC each fall and spring.

iii. It is expected that most students living in the houses will be upper class students. First-year students and first semester sophomore students are not eligible to live in social houses.

iv. All members must agree to abide by the regulations on accountability established by the College and the IHC. A complete listing of these regulations is available from the House president and the Center for Campus Activities and Leadership.

v. All members are expected participate in a system of self-governance with the help of their advisers.

b. Guidelines for Social House Room Draw

i. The president and vice president of each house must reside in his or her house and are responsible for overseeing the activities of the membership in the house. If a house's capacity is eight or fewer beds, only the president or the vice president is required to reside in the house.

ii. Each house will conduct its own room draw using an honest and equitable procedure on a date designated by the residential systems coordinator, at least one week before the beginning of regular College room draw. Social house members are subject to the same guidelines that govern regular room draw. House membership lists will be given to the residential systems coordinator at a designated date before the beginning of the College room draw. No members of a social house may participate in campus-wide room draw until their house is filled. Sophomores may not live in a house prior to winter term of the sophomore year. Specific regulations are available from the IHC advisor and the senior resident director.

Before social house room draw, all prospective residents must email residential systems coordinator to confirm that they intend to live in the house.

iii. The total membership of any house must include no less than one-third of either gender. Similarly, one-third of either gender must be represented as residents of the house.

iv. Approximately 90% of each house must be filled by current members of that house. The maximum numbers of non-residents per house are as follows: KDR: 2, Xenia: 1, Mill: 2, Tavern: 3; Delta: 3.

v. All membership privileges will apply equally to women and men. Major house officers must include both women and men.

c. Housing Regulations

All of the College regulations that govern life in the residence halls also apply equally to all of the houses.

A representative from the Office of Facilities Services, in consultation with each house president will identify storage areas in each house, which may be used for house items. These storage areas will be supervised by the house president when the College is in session and by the Office of Facilities Services during vacations and the summer. Access to these storage areas is allowed only when the appropriate supervisor permits access. Secure storage for valuable items (e.g., stereos) is not available in houses, but it is available to all Middlebury College students on the main campus. Interested students should contact the Department of Public Safety. Social house members may not store personal belongings in the house during the summer.

Other house spaces as may exist in individual facilities are regulated under the auspices of the College as residential common spaces. As such, all College policies concerning residential space apply in these locations including the ability of College officials to enter these spaces if deemed necessary (*see 7. Entry into Student Residence Halls, Houses and Suites*).

d. Termination of a House

i. Should the dean of the College come to believe that the activities of a house are a detriment to the life of the larger College community, he or she may recommend to the president that the house be terminated at Middlebury College. The Community Council may also consider termination of a house for this reason and may recommend such to the president.

ii. The dean of the College will recommend to the president termination of a house at Middlebury College if the following occurs:

(a) Termination will be recommended for disciplinary reasons if there is an extraordinary violation by a house of the College guidelines and regulations for students in houses.

(b) Termination will be recommended for disciplinary reasons if there are repeated violations by a house of College guidelines and regulations. In the case of a violation of guidelines and regulations, the dean of the College will issue an appropriate sanction to a house. Sanctions may include disciplinary probation, which will involve the loss of the right to hold parties and of other privileges to be specified by the dean of the College. If a house on probation persists in the violation of guidelines and regulations, the dean of the College may recommend to the president termination.

(c) Termination will be recommended on the grounds of loss of student support and extraordinary expense to the College if room occupancy of the house by members fails to meet the capacity requirements established by the Office of the Dean of the College and the IHC.

iii. Should the dean of the College recommend that a house be terminated, the president normally will ask the Community Council for its recommendation before taking action to terminate the house. However, should an extraordinary violation of the College guidelines and regulations or a serious violation on the part of a house on probation occur when the College is not in regular session so that a prompt meeting of the Community Council is not feasible, the president reserves the right to take whatever action is necessary, including immediate, indefinite suspension of the house or termination of the house. The Community Council, after review of the situation at its next regular meeting during the academic year, may recommend to the president reinstatement of the house. Indefinite suspension shall mean suspension of the house as a social organization at Middlebury College, including loss of the right of members to reside in the house.

E. Academic Interest Houses

In 1991, the Residential Life Committee, the Student Government Association, and the Community Council recommended creating, in addition to the existing foreign language houses, a limited number of academic interest houses. Academic interest houses are houses in which residents pursue a common academic interest and share the fruits of that interest with the campus community.

1. Purpose

The purpose of academic interest houses includes:

- a. promotion of the academic interests;
- b. development of special programming to support these interests among house members and throughout the College community;
- c. enrichment of the College experience of students in attaining a better understanding of and appreciation for the cultures or way of life that relate to the academic interest;
- d. promotion of contact with faculty, staff, and other members of the community who share the common academic interest; and
- e. aid in extending the intellectual mission of the College, broadly defined, beyond the classroom and courses.

2. Stipulations

- a. All houses must be open to all students.
- b. Admission to these houses is based first on evidence of a student's commitment to the academic interest of the house.
- c. Admission should be by application to an advisory committee or to the academic department.
- d. In considering applications for admission and room assignments, priority will be based on seniority.
- e. It is expected that most students living in the houses will be upper class students. First-year students are not eligible to live in academic interest houses.
- f. Students should normally expect to live in academic interest houses for no more than one academic year. These houses should not become self-perpetuating cliques.
- g. Admission to foreign language houses should be based on linguistic competence and commitment to the study of the relevant foreign language and culture.
- h. Every academic interest house must have at least one faculty adviser.
- i. All academic interest houses should be governed by the same standards for renewal as the coeducational houses.
- j. All houses are required to observe the guidelines for membership with particular emphasis on the criteria for guaranteeing women membership, as adopted by the Community Council.
- k. All houses are expected to develop a system of self-governance with the help of their advisers.

F. Residence Hall Regulations

- 1. All students are required to live on campus unless given permission by the Office of the Dean of the College to live elsewhere.
- 2. The Office of the Dean of the College makes all first-year student room assignments and supervises room draw for enrolled students and all other room assignments. Swapping rooms and keys or changing residence without authorization may result in disciplinary action. (See [Room Change Policy, Section i](#))

3. The Commons dean has jurisdiction in the first instance to hear and determine violations of the regulations in this section concerning residential life at the College and to impose penalties. The imposition of a penalty by the dean may be appealed to the Community Judicial Board.

4. Conduct that violates the principles stated in the Student Conduct chapter of this Handbook, or that creates a public disturbance in a residence hall, may lead to disciplinary action. The College is a community established to facilitate the pursuit of learning, and the residence halls should be places where students can study in their rooms. Interference with another student's right to study may lead to disciplinary action.

5. The College reserves the right to reassign student housing where that decision will serve a compelling community interest, or in instances where a student has demonstrated a flagrant and/or repeated disregard for the principles set forth in the College *Handbook*.

6. Students are expected to be considerate of others with respect to noise in the residence halls. (See *I, Noise Issues*, listed below.)

7. The College does not accept responsibility for loss of money or other personal property or damage thereto which may occur in residence halls and elsewhere on campus. Students may wish to insure their property against such loss.

8. Students may occupy their rooms at the beginning of the term on the date approved by the dean of the College. At the end of fall and spring terms, students must vacate their rooms within 24 hours after their last exam. Keys must be returned to the Department of Public Safety (see Keys and #11 and #12 below for more information). Students who are staying on campus prior to their approved arrival date or students who fail to leave on time are subject to a \$400-per-day fine.

9. Graduating seniors must vacate their rooms by 11:00 p.m. on the night of graduation. A fine of \$400 per day will be imposed on those who fail to comply.

10. Only students who are registered for winter term may reside on campus during winter term.

11. Room keys are issued by the Department of Public Safety. Students must report lost or stolen keys to the Department of Public Safety immediately. The student will be allowed to sign out a second key from Public Safety for a 24 hour period. There is a key charge and a lock change fee for lost and stolen keys (see #12 below). On occasion a student is not able to come to Public Safety to obtain a replacement key at the time of the lock out. If the student requests a Public Safety officer to assist with unlocking his/her dorm room door, the lockout service will result in a \$10 charge.

12. When a student housing assignment ends, the student must move out of the room and immediately return the key to the Department of Public Safety. This includes students who are going abroad, graduating, or changing rooms. Students may not occupy a room after the housing assignment ends or once the room key has been returned. (See explanation of fine in #8 above.) A nonrefundable key charge of \$50 will be billed within 3 days after a student's move-out date for the missing key. An additional \$50 will be charged for a lock change. Students returning to the same dorm room during the academic year do not have to return their key during the academic year, only at the end of the academic year.

13. A room inventory is made at the time of occupancy and signed by the occupant. Another inventory is made at the end of the period of occupancy. Students will be charged replacement costs for missing items and for damage not noted on the first inventory. Students who do not leave their room in neat condition will be charged \$200 plus labor. A neat room contains no trash, recycling, cinder blocks, or non-College furniture. Students who have failed to pay an assessment for damages at the time of any College registration will not be permitted to register. Students who live in suites, quads, and other residential spaces with lounges or common areas who do not leave these shared spaces in neat condition will be charged \$200 plus labor, the cost to be divided among the residents.

14. With the exception of bed frames and mattresses, College furniture provided with a room may not be removed. Removed bed frames and mattresses must be stored in accordance with the College storage policies and returned to the room before the student moves out. Failure to return a bed frame or mattress may result in a fine per item. Furniture, including beds, may not be removed from Battell, Stewart, Coffrin, Painter, Starr, LaForce, KDR, the Mill or Weybridge. Beds may not be removed from Allen, Coffrin, Painter, Starr, Stewart, Brackett, Prescott, Bowker or Weybridge. No furniture may be removed from rooms in Ross Commons or in Atwater's Halls A and B. Room furniture may not be placed in a dormitory hallway at any time; it will be removed, and the student to whom it was assigned will be charged replacement costs of missing or damaged furniture.

15. Walls and floors may not be paneled, painted or physically altered. If a room needs paint, it should be reported to the resident assistant. Only two walls of any rooms may be draped. Ceilings may not be covered with tapestries. Other wall hangings and posters may be prohibited if a fire hazard is created. Nails, cellophane tape, and screws may not be used on dormitory walls. Pictures may be hung from moldings or, in some cases, with tacks or masking tape. Because the rules vary from one dormitory to another, the resident assistant will explain the rules in each residence hall.

16. Nothing may be hung from a sprinkler apparatus. The room entry and exit must be clear. Nothing may be built or placed over or around a room radiator that will interfere with the free flow of air around the radiator or with easy access to service it.

17. The following guidelines need to be followed for small house common spaces and suite lounges:

Nothing can be hung from the ceiling or from any sprinkler apparatus.

Furniture from a room can be taken out of the room and placed in other areas of the house if it does not block an exit and the size of the path of the escape route is still maintained. Students will be responsible for returning the furniture to its original room.

Furniture in common spaces cannot block an exit, and additional furniture will affect the capacity size of the room. That means the more furniture the room contains the more it will reduce the capacity for social events.

Only one wall per common space can be decorated (but no painting), and the decorations cannot be near an ignition source (e.g. lamps, fireplace, etc.). The only exception to the one-wall rule applies to posters or pictures framed in glass, then more than one wall may be decorated.

Nothing can be posted in an exit route (i.e., posters in the hallways, stairways, etc.).

18. Lofts meeting the criteria established by the College safety officer, may not be larger than 4' wide and 8' long, must be free-standing and independent of walls (6" from the wall), and may not block sprinkler heads, smoke detectors, or room exits. No more than one loft to a room is permitted. Storage of materials on the loft must be at least 18" from a sprinkler head. Lofts must be removed before the room is vacated, or the student will be charged \$25, in addition to the cost of removal, and other applicable charges. Lofts are not permitted in Weybridge, Painter, Starr, Coffrin, Battell, Stewart, the Modular Homes, LaForce, or Halls A and B.

19. Ping pong tables are allowed in designated areas of social houses and some block draw senior houses only. Tables are never allowed in rooms, suites, or lounges of residence halls. Tables found in unauthorized areas will be considered in violation of fire safety regulations and will be confiscated and disposed of by College officials. Students will be charged for the cost of removal. Violations will be referred to the student's Commons dean or the IHC adviser.

20. Water beds are not permitted.

21. Every dormitory has a kitchen unit. Appliances that have exposed heating elements, such as toasters, hot plates, electric frying pans or grills, and irons without automatic shutoffs may not be used in student rooms. Only small refrigerators (approximately 24-inch cubes) and microwaves are permitted.

22. Fire Safety inspections will be organized and conducted on an on-going basis as deemed appropriate. Students will be reminded that inspections will occur at the beginning of each semester, and will be advised of the conditions following the inspections. Any material in violation of the fire safety guidelines will be confiscated at the time of the inspection and the necessary penalties will be assessed in accordance with the Handbook guidelines.

23. Smoking is prohibited in all residence halls, including the small houses. Failure to observe this policy will be treated as a fire safety violation and subject to the penalties described below (in 24).

24. Fire Safety violations include: possession of candles, incense, halogen lamps, portable heaters, or Christmas tree lights (with the exception of "ropelights"), dangerous chemicals, or hazardous materials (see [Safety section of Handbook](#)). Fire safety violations also include: smoking, blocking the means of egress, or hanging tapestries on more than one wall and/or the ceiling. Discovery of any of these violations will result in confiscation and disposal of the prohibited item, and a minimum fine of \$25 and the possibility of additional disciplinary measures as deemed appropriate by the Commons dean or the Office of the Dean of the College. These measures may include judicial proceedings.

25. Students must maintain clean and sanitary conditions in dormitory rooms, and must clear common space after personal use. Damages to common areas or adjacent hallways will be billed to the residents of the entire dormitory unless the individual (s) responsible can be identified. Charges for dorm damage may be appealed to the Dorm Damage Appeals Committee. This committee consists of one member of Facilities Services, a representative from the Controller's Office, and a representative of the students' Commons.

26. Tampering with fire-safety equipment is forbidden and carries a minimum \$50 fine and additional charges to repair or replace equipment. These charges will be borne collectively by the residence hall if the responsible individual(s) cannot be identified. When an individual is identified, the fine is \$200 plus the cost to repair or replace equipment, and the individual is subject to disciplinary action. This equipment includes smoke detectors, smoke detector batteries, and sprinklers. Any problems with smoke detectors must be reported to the Department of Public Safety or Facilities Services immediately, as nonfunctioning detectors endanger the lives of all residents.

27. Students must exit a building when a fire alarm sounds. Failure to do so is considered dangerous behavior and can result in disciplinary action, as well as a \$200 fine.

28. Tapping or tampering with the cable television system is illegal. Students who tamper with the cable jeopardize the College's cable service, may be subject to disciplinary action, and will be fined \$100 by the College. Those who are responsible may also receive up to \$100 in additional fines and be held "liable in a civil action for three times the actual amount of damages

sustained thereby" in accordance with the Vermont law on tapping cable television. Please note: seniors living in spaces where cable is permitted in the lounge areas, are prohibited from tapping cable to individual rooms.

29. Satellite dishes are not permitted and may be removed by Facilities Services. Charges for removal will be incurred by the student.

30. A guest of a student may stay in a dormitory no more than three days in any one term. The resident assistant must be told in advance where the guest is staying. No guests may stay overnight in residential lounges. Students are responsible for the behavior of their guests. The College reserves the right to remove any guest whose behavior is not cooperative.

31. Solicitation in residence halls for any purpose by persons outside the College community is prohibited.

32. Storage for some student belongings during the academic year is provided in College buildings. Interested students should consult with their resident assistant and see College Storage Policies in Section J (below) for additional information.

33. Students have a right to privacy in their dormitory rooms. Department of Public Safety and other College officials should enter a student's room only under certain circumstances and in conformity with the procedures listed below. In the event that stolen property or illegal goods are observed, the items will be confiscated, notice will be sent to the Commons for appropriate action, and the occupants of the room will be notified.

34. The roof or outer surface of any College building is not to be used for activities or storage of objects. Accessing a roof in any manner or climbing on a building is considered dangerous behavior and can result in disciplinary action, as well as a \$100 fine.

G. Entry into Residential Rooms

1. Emergency Entry

The Department of Public Safety is authorized to enter a student's room in the event of emergency circumstances, such as fire, fire alarm, fire drill, an immediate threat to life, a call for help, or what reasonably seems to be a dangerous situation. If time permits the Department of Public Safety should first seek authorization from the Office of the Dean of the College or the Commons dean before entering a student room to deal with an emergency. (*See Special Room Inspection, 5. below.*)

2. Community Service

The Department of Public Safety may enter a student dormitory room to perform a community service, for example, to turn off an unattended alarm clock or radio, or to allow family or friends to pick up various belongings. The Department of Public Safety is authorized to perform these community services, but should be accompanied when possible by a residential life staff member. (*See Notification of Entry, 6. below.*)

3. Routine Inspections and Repairs

The College conducts routine inspections of student rooms in the dormitories to check on violations of health and safety regulations and to recover misappropriated property. Inspections are held at reasonable times, in a manner that will least inconvenience residents. Students are notified by voice-mail and written notice at least 24 hours before, and not more than two weeks prior to the inspection. Students discovered in violation of health and safety regulations, or in possession of stolen property or illegal goods, are subject to normal College disciplinary action as appropriate. During vacation periods, student rooms in College housing are inspected to check heat settings, to ensure that lights and appliances are turned off, and that windows are closed. Following such inspections, or at other times, facilities services personnel may enter student rooms to make repairs. (*See Notification of Entry, 6. below.*)

4. Communications Infrastructure Maintenance.

Improperly configured or malfunctioning computer or communication equipment can seriously degrade the operation of the College's communication networks. It may be necessary for personnel to enter a student room to confirm the location of such a device, and, if necessary, disconnect it from the network until the situation can be resolved. LIS will attempt to contact the student before entering the room, but time-critical situations, where significant network services are impacted, may require entry without prior approval. Students' computers will not be touched without their prior consent; room entry will be only for the purpose of confirming that the misbehaving computer has been properly identified. For the protection of the student, the Department of Public Safety and/or the Commons office will be notified if entry is made without prior approval. Any temporary disconnection will be made in the network equipment closet, without directly handling students' property.

If students request assistance from LIS to repair a problem with their network connection, they may give LIS permission to enter the room and disconnect equipment for testing and troubleshooting in their absence. Similarly, Telephone Services personnel may enter student rooms in the residents' absence to effect repairs to voice telephone equipment or infrastructure. (*See Notification of Entry, 6. below.*)

5. Special Room Inspection

While it may be necessary for the Department of Public Safety or other College officials to enter student rooms to conduct routine inspections, to perform a community service, to make repairs, or to deal with an emergency situation as described above, student rooms will not otherwise be entered or searched by College officials without specific prior written authorization from the dean of the College. Authorization by the dean of the College to search an individual student's room must have the concurrence of the student co-chair of the Community Judicial Board whenever possible. The Commons deans may initiate entry of a room and/or a room search in order to meet a medical crisis, to avert danger to human life, or when there is reason to believe that a very serious violation of College regulations has been committed and that the evidence may be found in a student's room. Possession of firearms would be an example of a very serious violation. When possible, the student or students concerned and a witness shall be present when a room search is conducted. (*See Notification of Entry, 6. below.*)

Students living in College housing have the right to be free from unlawful room searches conducted by law enforcement officials. In most instances, a lawful search must be conducted pursuant to a warrant issued upon a showing of probable cause. College officials must arrange with law enforcement authorities to obtain a search warrant before searching a student's room if they intend to turn over for purposes of criminal prosecution evidence found in the student's room. If a police officer sees a student commit what reasonably appears to be a criminal offense or violation of local ordinances, the College will not interfere with the officer's legal pursuit of the student into a dormitory and into a student room. Similarly, a Department of Public Safety officer who sees a student commit what reasonably appears to be a crime or a violation of College regulations has the right to pursue the student into a dormitory and into a student room.

6. Notification of Entry

Whenever a student's dormitory room is entered by a College official to meet an emergency, to make a repair, to carry out a community service, to conduct a routine inspection, or to conduct an authorized search, a note will be left indicating the time, date, reason, and name of the College person or office responsible, unless the occupant of the room is present at the time of entry.

7. Entry into Student Residence Halls, Houses and Suites

The Department of Public Safety is responsible for patrolling residential areas on campus and may enter student residence halls and houses in order to perform their duties (examples: locking the building, respond to complaints and calls for service, party checks, etc.). Since many residential houses need to be patrolled and may require checks or locking (examples: Homestead, KDR, Jewett, Weybridge, Fletcher, The Mill), officers may enter the communal areas as appropriate. Public Safety officers respect a student's right to privacy and would not enter more private areas such as suites or very small houses (Modulars) without knocking and gaining permission to enter unless conducting a party check, addressing significant College policy violations or in accordance with the other entry policies listed above.

8. Entry at request of College Official

The Department of Public Safety may be called to a student's residence to handle evidence of a crime or College policy violation at the request of a College official. The officer may enter to meet with the other College official but should be accompanied when possible by a residential life staff member.

If the College official has left the area prior to the officer arriving, the officer has the authority to enter into communal areas of the residential space but can only enter a student's room in accordance with the policies listed above.

H. Off-Campus Living Policy

1. The College permits up to 60 seniors to live off campus. Permission is granted by a process coordinated by the Office of the Dean of the College. Special students must live off campus and are not included in the total number. The limit of 60 is based on our commitment to the residential nature of the College and an evaluation of the rental market in the town of Middlebury. Off-Campus status may not be granted if a student has been subject to official College discipline or academic failure; when a student's record comes into question, off-campus status requires the approval of the Commons dean. Students living off campus must provide their local address and phone number to their Commons dean and the residential systems coordinator of the College within the first 5 days of the term.

2. We need to plan accurately for our housing needs on campus. Thus, all off-campus forms must be turned in to the residential systems coordinator by the determined deadlines. Any student wishing to move off campus after the Off-Campus application deadline must notify the residential systems coordinator to be placed on a waiting list.

Off-campus permission is granted through a random draw in February/March for the fall and October/November for the spring. Students applying for off-campus permission from abroad must either:

(a) notify the residential systems coordinator by phone, email, or mail by the application deadline, or

(b) include their name with a group applying through the on-campus draw.

Students selected in the random draw must agree to sign an off-campus living contract stipulating their willingness to abide by the College's regulations and community standards. Students who accept off-campus housing status are ineligible to participate in Room Draw.

[updated 2008-Jan-28. Second sentence of paragraph added]

3. A new off-campus fee reduction form must be filled out and permission must be granted for each term a student wants to live off campus. A form filled out one term will not automatically transfer to the next term. Students living off campus in the fall term will be given priority to live off campus during the spring term, but they must fill out a new fee reduction form to retain this priority. Completing the form every term provides the Office of the Dean of the College with up-to-date residential information.

4. Students given permission to move off campus who decide after room draw to move back on campus will be placed on a waiting list. Students will not be guaranteed their first choice room but will be assigned one from the pool of available rooms. Students wishing to move back on campus for fall term will be assigned a room during August. Those wishing to move back on campus during the academic year will be assigned a room when one becomes available.

5. Students who choose to live off-campus without authorization - that is, students who are not granted off-campus status but move off-campus nonetheless - will be subject to official college discipline.

6. Off-campus applications are available from the [housing and room draw Web site](#).

7. Students who live off campus are expected to be good citizens. Students who violate College policy or local ordinances will be subject to College discipline.

8. Request for off-campus housing on the basis of a medical need must meet the following criteria:

(a) The medical need must be compelling, such as post-hospitalization with ongoing care needs.

(b) Requirements for special medical equipment which cannot otherwise be met through campus housing.

(c) The need for special care attendants to be present to help the individual which cannot be met by other campus housing facilities.

Issues such as social anxiety, mild depression, and cognitive impairment issues are typically not considered to be compelling reasons to gain off-campus housing. Students wishing to pursue this avenue through the dean of the College must apply through normal channels, and include letters from treating physicians and/or other medical professions. They must also agree to full medical disclosure with the dean of the College and his College's designee, which may include the College Physician or Director of the Center for Counseling and Human Relations. The medical records from the treating physician must include a proposed treatment plan for ongoing care while the student is at Middlebury College. Students without such recommendations will not be considered for off-campus housing. Students who find the social environment of their living situation unsatisfactory should attempt to address the issue through the Residential Life channels outlined in the Handbook.

[Section H updated 2008-Jan-28. References to "assistant to the dean of the College" replaced by "residential systems coordinator."]

I. Room Change Policy

At Middlebury College, we base our residential system on the principle of community living. We value the benefits and challenges of learning to live with other people. By interacting with people of different backgrounds and interest, community members form rich relationships. A residential community of roommates, hall mates, and friends prepares students to be involved in local, national, and international communities and to face the challenges of difference in a diverse world.

If students are experiencing a roommate conflict, they are highly encouraged to see their FYC, RA, CRA, or senior residence director before approaching the Commons dean or filling out a room-change request.

For fall mid-semester switches, room-change requests will be considered in mid-October. For end of fall semester switches, room-change requests will be considered in December. For J-term, the deadline for room change requests will be at the end of the first week of classes. For the spring semester, room changes will be considered in mid-February. Requests after the deadline will be considered on a case-by-case basis. Room-change request forms are available in the Commons offices for first and second year students, and in the Office of the Dean of the College for juniors and seniors.

If a student is offered a room change, he or she has 48 hours to accept or reject the offer. If students have a double as a single for whatever reason, they must find an eligible roommate, or the residential systems coordinator will assign someone to fill the space. It should be emphasized that students will always be encouraged to resolve any conflicts before considering a room change.

Swapping rooms and keys or changing residence without authorization may result in disciplinary action.

J. College Storage Policies and Procedures

1. Storage during the regular academic year for students enrolled in the undergraduate College:

a. Regular dormitory storage (trunks, suitcases, boxed items).

i. Resident assistants in each dormitory have keys to the storage areas and will give residents access upon request.

ii. At the end of the school year, Facilities Services staff will clean out these storage areas and will dispose of any items not removed by students.

iii. Social houses may only store house items, such as pool tables and composites, in their houses over the summer recess. Personal items may not be left in the social houses. The president of each social house is responsible for supervising the storage area.

b. Bicycles

i. Students bringing a bicycle to campus must register the bicycle with the Department of Public Safety.

ii. Bicycles may not be kept in dormitory corridors and must be stored in the areas or in racks designated for this purpose. Bicycles locked in stairwells, hallways, and/or lounges will be removed by the Department of Public Safety. A \$25 fine will be assessed at the time the bike is claimed by the owner.

iii. Bicycles locked to trees, or other outside fixtures (stair railings, traffic sign posts) will be removed by the Department of Public Safety or Facilities Services. A \$25 fine will be assessed at the time the bike is claimed by the owner.

iv. Bicycles must be removed from dormitories, Commons bike storage rooms, and bike racks at the end of each school year. Unclaimed bicycles will be removed by Facilities Services and stored with the Department of Public Safety. Bikes left or abandoned on campus when the owner moves out of the residence hall will result in a \$50 fee at the time the bike is claimed.

v. Unregistered bicycles found on campus or taken during the bike sweep will be held for six months, and if unclaimed, will be donated to the Middlebury College Bike Shop. Bikes that are old or significantly damaged will be disposed of if unclaimed after 30 days. Public Safety will attempt to notify owners of registered bikes prior to disposal.

c. Department of Public Safety storage:

i. Storage at Fletcher Barn is intended for use by Middlebury College undergraduates who will be away from the College for a school term or more, but not exceeding 18 months. Space is limited and available on a first come first serve basis. All items to be stored will be received at one time and will be stored collectively. Upon returning to campus, students must retrieve all items at one visit during the scheduled storage hours. (Contact Public Safety for storage hours.)

ii. The following items may be stored at Fletcher Barn:

- Items contained in sturdy cardboard boxes or plastic bins with lids and measuring a maximum of 18x18x18 and weighing no more than 75lbs.
- Trunks (i.e., foot lockers)
- Refrigerators (defrosted, empty of food, and measuring 18x18x18 maximum)
- Suitcases
- Skis

iii. The following items may not be stored:

- Hazardous Materials (such as fuels and household chemicals)
- Rugs or carpets
- Furniture
- Bicycles
- Tires
- Futons
- Lamps
- Food

iv. Storage areas are not climate controlled. The College is not responsible for any damage caused by cold, heat, humidity, insects, or rodents.

v. The charge for storage is \$5 per item per term. (A summer is considered a term).

vi. Students must indicate in the User's Agreement the term/year in which they will retrieve their stored items, which will not exceed 18 months from the date of drop off. Students who fail to retrieve their belongings will NOT be contacted prior to disposal of their belongings by the Department of Public Safety.

2. Interim summer storage for undergraduate students:

a. Undergraduate students who are attending a Middlebury Language School or working for the Language Schools and who wish to store some of their belongings between the end of the spring term and the beginning of the Language Schools session may do so at Fletcher Barn. A similar arrangement is available between the end of the Language Schools session and the beginning of the regular fall term.

b. The charge for interim storage is \$2 per item.

c. All items stored in Fletcher Barn by students planning to attend the Language Schools must be removed at the beginning of the Language Schools session. Similarly, items stored there after the end of the Language Schools session must be removed before the end of the first week of the fall term. The Department of Public Safety will dispose of unclaimed items.

K. Noise Issues

Middlebury College seeks to promote the quiet, comfort, and health of the College community and residents of the town of Middlebury. Students should neither cause nor condone excessive amounts of noise, but should strive to be considerate and respectful of others.

The following guidelines have been adopted to ensure that Middlebury students respect the peace and safety of their neighbors, inside and outside the premises of the College.

1. Education

All matriculated first-year students will receive information about the town of Middlebury's noise ordinance from the Office of the Dean of the College. In addition, first-year students will be informed of the College's noise regulations by the residential life staff.

The student body must uphold the Ordinance for the Regulation of Noise of the town of Middlebury. This ordinance prohibits excessive or unnecessary noise, including vocal disturbances and loud music, and punishes offenders with fines.

2. Noise Complaints Against Individuals, Organized Groups, or College Residences Originating from Off Campus

If an individual student violates the town ordinance and a complaint is made from off campus, the Department of Public Safety may take the following actions:

a. The first substantiated complaint made against any identified individual during a given time period should be brought to the attention of the appropriate member of the residential life staff, or the Department of Public Safety. Repeated offenses should be brought to the attention of the dean's office for appropriate judicial action.

b. A second substantiated complaint made against any individual during the same time period may result in judicial charges through the College judicial system.

c. Any subsequent charges brought against an individual during the same academic year may result in further judicial actions.

3. Noise Complaints Against Social Houses Originating from Off Campus

Social Houses are responsible for the noise originating at their events. Complaints are dealt with through the IHC system of internal governance in collaboration with the IHC adviser.

4. Complaints Against Individuals or Groups Originating on Campus

a. Each hall is encouraged to meet at the beginning of the year to discuss noise issues and consider the establishment of quiet hours at their own discretion.

b. Should complaints arise, students are encouraged to approach the individual or group themselves. However, where problems cannot be resolved in this way, the complaint should be brought to the appropriate member of the residential life staff, or the Department of Public Safety. Repeated offenses may be brought to the attention of the dean's office for appropriate judicial action.

Student Life. A. Student Organization Policies

1. General

a. All student organizations are subject to College policies.

b. All recognized student organizations must register annually with the Center for Campus Activities and Leadership and have constitutions that have been approved by the Constitution Committee of the Student Government Association. The Constitution Committee may not approve a constitution with provisions that are in violation of Federal, State, or local laws, or *Handbook* policy.

c. All recognized student organizations must have an adviser who is a current, full-time Middlebury College faculty or staff member or contract employee of the College. An adviser may inform an organization about its legal responsibilities and make appropriate suggestions about policy, but does not have authority to control policy or make personnel or financial decisions.

d. Approval of a constitution does not guarantee funding. The Finance Committee of the Student Government Association administers funding of student organizations by allocating the Student Activities Fee. This fee is separate from the comprehensive fee and is not a part of the College's general budget.

e. Student organizations are financed, in whole or in part, by the Student Activities Fee, which all students must pay in order to register for each term. Since these funds are collected by the College for the general student body, the College and the Finance Committee of the SGA bear fiduciary responsibility for student organizations.

f. Recognized student organizations also have the right to schedule the use of College facilities, use the College name and logo in reference to their group, and be eligible for programs and services through the Center for Campus Activities and Leadership (CCAL). A complete listing of student organization rights and responsibilities may be found in the CCAL office. The Center for Campus Activities and Leadership may suspend or revoke any organization's registration, affiliated members, advisors and/or coaches at any time, in its sole discretion, for any abuse or violation of the outlined rights and responsibilities, or any reasonable cause deemed to be in the best interest of the organization or the College.

g. The College assumes that individual students are responsible and accountable for their own behavior, and that groups of students and student organizations are responsible for their collective behavior. Failure to comply with College policy may result in disciplinary action against an individual or group. Serious violations of the policy may result in a suspension of the groups for up to one year; and repeated infractions may lead to additional penalties.

2. Discrimination

a. Middlebury College complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, service in the armed forces of the United States, or against qualified individuals with disabilities on the basis of disability.

b. Any student organization that discriminates on the basis of any of the aforementioned qualities or characteristics is antithetical to the mission of the College and is not appropriate as a model for society at large.

c. No student organization may discriminate in its membership, programs, or activities on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, service in the armed forces of the United States, or against qualified individuals with disability on the basis of disability.

d. Middlebury College recognizes the long-standing importance of religious belief and practice in American society, and the diversity of religious belief and practice within the Middlebury community. Students and student organizations may pursue their own religious beliefs, and the articulation of those beliefs, through religious practice and community life. When allegations arise that those beliefs and practices have resulted in actions that discriminate against an individual or group, the procedure outlined in item g. below should be followed.

e. A student organization may require candidates for leadership positions or offices to fulfill certain prerequisites prior to election or selection, and may restrict leadership roles and voting to those members with demonstrated prior affiliation with the organization. Such procedures, including all prerequisites, restrictions, and nomination requirements, must be consistent with *Handbook* policy, including anti-discrimination language, and must be stated in detail in the organization's constitution.

f. An organization may express in its constitution ideals or preferences regarding beliefs its leaders might hold. No student may

be precluded from being on a ballot or participating in a selection process on the basis of any of the qualities or characteristics referred to in item c. above.

g. Students who believe themselves to be the victims of discrimination by an individual or a group on the basis of the aforementioned qualities or characteristics, or who believe an organization has violated College policy, may submit a written complaint to the dean of the College, who initiates the investigative process through established judicial procedures. The dean of the College may refer the complaint to appropriate administrators for investigation. The dean of the College, or a designate, has the authority to adjudicate and enforce College policies for student organizations.

3. Freedom of Association

Students bring a variety of interests previously acquired to the College, and they develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

a. In order to ensure the integrity of recognized student organizations as Middlebury student activities, the membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the College community.

b. Affiliation with an extramural organization does not in itself disqualify a student organization from institutional recognition. College policy prohibits student participation in or affiliation with single-gender fraternities or sororities.

c. Students are free to organize informally for any legal aim, subject to the rules and regulations of the College. If they seek official College recognition that makes them eligible for student activities funds and other student organization privileges as outlined in the Rights and Responsibilities, they must have a written constitution formally approved by the SGA Constitutions Committee and be registered annually with the Center for Campus Activities and Leadership.

4. Anti-Hazing Policy

Hazing is a violation of Vermont law and is not permitted at Middlebury College. (See Anti-Hazing Policy in Student Conduct chapter)

Individuals or groups may not force others or expect others to participate in any activity against their will, as a precondition for membership in a social house, or as a precondition for membership in any organization, club, or sport.

5. Freedom of Inquiry and Expression

a. Students and student organizations are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means, which do not disrupt the regular and essential operation of the College or community. At the same time, it should be made clear to the academic and larger community that students or student organizations speak only for themselves in their public expressions or demonstrations.

b. Officially recognized student organizations may invite to the campus and hear any person of their choosing. The College reserves the right to ensure orderly scheduling of facilities, which prevents unnecessary conflict with other College events and provides adequate preparation for the event. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the College.

c. Student organizations bear full responsibility for arranging and financing any Department of Public Safety provisions that may be necessary in connection with controversial speakers. The Deans' offices and the Center for Campus Activities and Leadership (CCAL) have the right to receive full and accurate information regarding Department of Public Safety measures at any time they so request. The Deans' offices and CCAL also have the right to specify security measures to the organizations as seem appropriate. If the College, through the offices of the deans, CCAL or the president, judges that security arrangements are inadequate and that the sponsoring organization is either unwilling or unable to make proper arrangements, the event may be canceled by the dean or president. If time permits, action to cancel an event will be taken only after full consultation with the Community Council.

6. Student Publications and Media

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and College authorities and of formulating student opinion on various issues on the campus and in the world at large.

Student publications are financed by the Student Activities Fee, which all students must pay in order to register for each term. Since these funds are collected by the College for the general student body, the College and the Finance Committee of the SGA bear fiduciary responsibility for publications. There is no set limit to the number of publications produced each year, and the SGA has final jurisdiction in this matter. Each existing publication will be reviewed annually, including a preliminary check of the

organization and publication by the Finance Committee and a final review by the SGA itself. Despite the legal and financial dependence of publications, the College, the SGA, and the Community Council must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles of free inquiry and free expression in an academic community.

The editorial freedom of student editors and managers entails the corollary responsibility to abide by the canons of responsible journalism, including the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the use of harassment and innuendo.

The constitutions of student publications must provide clear statements of general policy and the nature of their responsibility to the student body at large.

As safeguards for the editorial freedom of student publications the following provisions are set forth:

- a. The student press will be free of censorship and advance approval of copy, and its editors and managers are free to develop their own editorial policies and news coverage.
- b. All student publications financed and published by the College must include a clear statement on the editorial page that opinions expressed in the publication are not necessarily those of the College or the student body.
- c. Advertisements in publications may not include references to alcohol, directly or indirectly.
- d. Procedures for the selection of editors and managers of student press organizations must be submitted to the Constitution Committee of the SGA for approval annually, at least four weeks in advance of the selection itself. The SGA Senate has the power to remove an incumbent editor or manager by a two-thirds vote, in accordance with the procedures outlined below, but the SGA must ensure that editors and managers of student publications are not arbitrarily suspended or removed because of student, faculty, administrative, or public disapproval of editorial policy or content. Suspension or removal must be premised upon a finding of violation of the canons of responsible journalism or failure to appear at removal proceedings as described below.
 1. A charge against an editor or manager may be filed only by a person aggrieved by the alleged offense. The charge must be stated in detail, and presented in writing to the president of the SGA within 10 school days of publication or broadcast of the offending material. The president will present the charges to the SGA Senate. Should the aggrieved party be the president of the SGA, the Student Co-Chair of Community Council will bring charges to the SGA Senate. Should both parties be aggrieved, the Speaker of the Senate will bring the charges.
 2. Upon receipt of the written charges, the SGA Senate will determine by majority vote whether to initiate removal proceedings against the editor or manager charged. Removal proceedings may commence no earlier than three school days after the vote to initiate the proceedings.
 3. The editor or manager charged, the aggrieved party, and the student staff member who wrote or broadcast the offending material must be present at the removal hearing. The president of the SGA will give notice to all parties of the time and place of hearing. Witnesses may be called by either side to support or refute the charges, or to determine the extent to which the editor or manager charged is responsible for the alleged offense.
 4. At the commencement of the hearing, the editor or manager charged and the aggrieved party will each be allowed no more than 15 minutes to make an oral presentation before the SGA. Written defenses or allegations may be distributed to SGA members by either side at any time after the initiation of removal proceedings. Each side will be allowed access to all materials so disseminated. After the oral presentations, questioning will be allowed. The president of the SGA presides over the hearing and is responsible for keeping order.
 5. A vote to remove must be taken within 15 school days of the vote to initiate removal proceedings. An editor or manager who has been removed by the required two-thirds vote may not serve for the remainder of the academic year as an editor or manager of the organization from which he or she was removed.
 6. If an editor or manager is removed under these procedures, the organization that originally published or broadcast the offending statement must publicly retract it.

7. General Provisions for Recognized Student Organizations

Any student organization that wishes to use College funds or the College's name in any way that implies recognition or sanction must have a constitution ratified by the Constitution Committee of the SGA, file Registration Form and current list of responsible officers and advisors with the Center for Campus Activities and Leadership (CCAL), and conform to such regulations as the Community Council and CCAL may specify. Student Activities Fee funds will be allocated only to recognized organizations that have ratified constitutions and have submitted budgets detailing plans for the use of the money. Student activities funds may not be used for direct political action or for disbursement to any organization that is not an officially recognized Middlebury College organization. Individual students wishing to use campus facilities should consult their Commons office for assistance.

The College, through the offices of the deans and the president, retains the right and ultimate authority to protect itself from criminal or civil action that could be taken against the College because of the conduct of a student organization. When advised by counsel that a forthcoming activity of an organization carries with it the possibility of legal action, the College may cancel the activity or request the organization to make appropriate changes in its plans. When time permits, the College will inform both the organization in question and the Community Council of its reasons prior to taking action.

8. Scheduling and Advertising Events and Use of College Facilities

a. The Center for Campus Activities and Leadership and Commons offices handle all student requests for use of space. Student organizations schedule spaces through the CCAL while lounges and other residential spaces are reserved through the respective Commons office. The offices should be provided a written description of events, equipment to be used, refreshments to be served, and the name(s) of the person(s) in charge. Requests for use of the McCullough Student Center must be placed through CCAL.

b. Political organizations may use College facilities at the invitation of College departments or recognized organizations and with the approval of the executive vice president and treasurer. Their presentations must be open to all. They may not use the occasions for fund-raising.

c. Bulletin boards for advertising events are supervised by the Center for Campus Activities and Leadership. Posters are permitted on designated bulletin boards or kiosks only. The organization or individual sponsoring an event or making an announcement is responsible for removing the material within 24 hours after the conclusion of the event or within 30 days of the posting, whichever occurs first. Please refrain from posting flyers on doors, walls, windows, buildings, lamp posts, trees or stairwells. Flyers found in these locations will be removed by College staff. Fines and/or disciplinary action may result from violations.

d. Private parties at which alcohol is being served are prohibited from advertising the availability of alcohol. Events open to the public for which have obtained a Middlebury College Friends Catering Permit has been obtained may advertise the function and any entertainment performing at the event. References to alcohol may not be made in any publicity (e.g., posters, newspaper ads) on campus, except for licensed events under the College's catering permit which may include a reminder to "please bring two forms of i.d."

e. Plans to charge admission to events must be approved by the Center for Campus Activities and Leadership or Commons office and may be referred to the Finance Committee of the SGA.

f. Profits accumulated through fund-raising activities by any organization that received student activities fees may be used for any purpose subject to the following restrictions:

i. The purpose of the organization's fund-raising must be clearly advertised in advance.

ii. The organization may not initiate any activity, the profits of which will be used for any direct or indirect contributions to a political campaign.

iii. The fund-raising must conform to the SGA Finance Committee guidelines.

Student Life. B. Health Care Policy Statement

In order to take full advantage of the educational opportunities offered by Middlebury College, a student must maintain good health, and the College expects each student to assume responsibility for his or her health. The College does not stand in *loco parentis* with respect to the health care of its students, and its health care services do not attempt to take the place of a family physician. In an effort to promote wellness, assist students in maintaining good health, and handle medical emergencies on campus, the College offers the following health care services:

1. Selected health education programs and preventive mental health programs on such topics as human sexuality, alcohol and drug abuse, stress reduction, sexual assault, and eating disorders.

2. A health center with a professional staff providing and promoting high quality comprehensive acute health care in a clinic and overnight infirmary setting, referring cases requiring long-term treatment or the care of a specialist, and providing counsel to students and campus-based student services on health matters.

While Health Center staff is available to provide medical care and health advice, the Health Center does not give medical information to support a class absence excuse unless specifically requested from a Commons Dean with a signed release to disclose medical information from the student.

3. An athletic training room available to intercollegiate athletes and members of the crew and rugby teams. The professional staff at the training room evaluate and treat many athletic injuries and refer serious problems to appropriate medical specialists.

4. Psychological counseling in the form of short-term therapy, crisis intervention, assessment, and referral.

The College provides minimum accident insurance coverage to all students through the comprehensive fee and requires that all students purchase and are covered by additional sickness insurance. Students not covered by a private policy are required to purchase the sickness insurance policy offered by the College through Koster Insurance Agency. The policy was designed in consultation with the College's medical staff and psychological counselors and extends the accident insurance coverage over the summer months. Prior to enrollment, and every summer thereafter, families will receive information and enrollment materials by mail. If a student has comparable insurance coverage of another kind, participation in the Student Medical Insurance Plan is not required. This plan does not provide comprehensive insurance coverage, and should be viewed as supplemental to major medical coverage, which all students are encouraged to carry through their families.

Student Life. C. Americans with Disabilities Act (ADA)

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

While responsibility for the accommodation of students with qualifying disabilities must be assumed and shared by all members of the College community, the College has established a process that is designed to facilitate the reasonable accommodation of students with disabilities. An ADA Committee of faculty and staff, appointed by the president, certifies eligibility for accommodation under the ADA for students presenting evidence of qualifying disabilities, and reviews and acts upon all student requests for reasonable accommodations. Further, the ADA Committee, in consultation with appropriate campus personnel, facilitates the implementation of accommodations that have been deemed reasonable and appropriate in light of the nature of a student's disability and in consideration of the individual's academic requirements. The ADA Committee also serves as a resource to students and faculty on issues of accommodations and helps to coordinate the implementation of other approved accommodations within other sectors of the institution.

Faculty, staff, and other College employees who have ADA related concerns are currently assisted by Human Resources, which can be reached at 802-443-5465 (voice) or 802-443-5949 (TTY).

The ADA Policy can be found in the appendices to this *Handbook* or on the web at <http://www.middlebury.edu/campuslife/diversity/ada/policy>. Individuals who have been accepted to Middlebury College who may require special services are encouraged to contact the ADA Office as soon as possible after admission in order to ensure the timely provision of services. The ADA Office can provide copies of the ADA Policy and the Special Needs Identification Form and can also answer inquiries about ADA issues and Middlebury College. The ADA Office can be reached at 802-443-5936 (voice) or 802-443-7437 (TTY) or via e-mail at ada@middlebury.edu.

Student Life. D. McCullough Student Center

Students and student organizations scheduling the use of any of the McCullough Student Center facilities, including but not limited to the McCullough Social Space, Mitchell Green Lounge, the mailroom, and the lobby, must do so through the Center for Campus Activities and Leadership (CCAL) at least two weeks before the event. Additionally, groups scheduling the use of the Social Space or Grille must arrange a meeting with a CCAL staff member at least two weeks before the event. Failure to meet this deadline may result in a limitation of requested services.

The McCullough Student Center is a public space. Alcoholic beverages may not be brought into the building at any time. With prior approval, events catered by the College's Dining Services Department may serve alcoholic beverages.

Middlebury Vermont 05753 802-443-5000

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Student Conduct, Policies, and Procedures

Academic Disciplinary Policies

A. Introduction

As an academic community devoted to the life of the mind, Middlebury College requires of every student complete intellectual honesty in the preparation of all assigned academic work.

B. Academic Honesty

1. Definitions

a. Plagiarism

Plagiarism is a violation of intellectual honesty. Plagiarism is passing off another person's work as one's own. It is taking and presenting as one's own the ideas, research, writings, creations, or inventions of another. It makes no difference whether the source is a student or a professional in some field. For example, in written work, whenever as much as a sentence or key phrase is taken from the work of another without specific citation of the source, the issue of plagiarism arises.

Paraphrasing is the close restatement of another's idea using approximately the language of the original. Paraphrasing without acknowledgment of authorship is also plagiarism and is as serious a violation as an unacknowledged quotation.

b. Cheating

Cheating is defined as giving or attempting to give or receive during an examination any aid unauthorized by the instructor.

An examination is any quiz, pre-announced test, hourly examination, or final examination. Take-home(s) examinations will ordinarily be considered as examinations.

c. Duplicate Use of Written Work

A paper submitted to meet the requirements of a particular course is assumed to be work completed for that course; the same paper, or substantially similar papers, may not be used to meet the requirements of two different courses, in the same or different terms, without the prior consent of each faculty member involved. Students incorporating similar material in more than one paper are required to confirm each professor's expectations in advance.

2. Student Responsibilities

It is the responsibility of the student to sign the Honor Code pledge on all examinations, research papers, and laboratory reports. Faculty members reserve the right to require the signed Honor Code pledge on other kinds of assigned academic work. The student must write in full and sign the statement, "I have neither given nor received unauthorized aid on this assignment."

Graded assignments should be the work of the individual student, unless otherwise directed by the instructor.

The individual student is responsible for ensuring that his or her work does not involve plagiarism. Ignorance of the nature of plagiarism or of College rules may not be offered as a mitigating circumstance.

Students with uncertainties and questions on matters relating to footnoting, citation of sources, paraphrasing lecture notes, and proper recognition of collaborative work on homework assignments and laboratory reports should consult with the course instructor for whom they are preparing work.

3. Role of the Faculty

At the beginning of each term, instructors are strongly encouraged to discuss or include on their syllabus the College's policies governing academic honesty as they relate to a particular course.

Faculty reserve the right to require the signed Honor Code pledge before grading any assigned academic work.

Questions or concerns regarding the faculty's role under the Honor Code may be directed to the Judicial Affairs Officer.

C. Undergraduate Honor System

In 2001, both the student body and the faculty reaffirmed their commitment to the Honor Code through a student referendum and faculty ratification.

Constitution of the Undergraduate Honor System

All assigned academic work is conducted under the terms of the Undergraduate Honor System, which follows in full:

Preamble

The students of Middlebury College believe that individual undergraduates must assume responsibility for their own integrity on all assigned academic work. This constitution has been written and implemented by students in a community of individuals that values academic integrity as a way of life. The Middlebury student body, then, declares its commitment to an honor system that fosters moral growth and to a code that will not tolerate academic dishonesty in the College community.

Article I: Honor System

a. Before enrolling in Middlebury College each student must agree to abide by and uphold this honor system. Additional commitments to the honor system should be part of orientation week activities.

b. The Academic Judicial Board shall prepare a statement for all incoming students describing the aims and operation of the academic honor system. The Academic Judicial Board will be responsible for an orientation session during orientation week so that all new students fully understand the system.

c. The Academic Judicial Board will meet annually at the beginning of the fall term with deans from the Office of the Dean of the College, the Community Judicial Board, and the Judicial Appeals Board to review the honor system and to orient new members.

Article II: Examination Procedure

a. Only authorized materials may be used during an examination.

b. No proctors will be present during examinations, unless specific authorization has been given by the Academic Judicial Board.

c. The Academic Judicial Board may grant an instructor permission to proctor an examination in his or her course when the instructor has demonstrated to the board that there is a reasonable suspicion that there are students cheating in examinations in the course. Authorization will apply only to a single examination and must be renewed in every case by the same procedure.

d. When an instructor's presence in the exam is required because of the nature of the exam (e.g., slides), the instructor should receive permission from the administrative co-chair of the Academic Judicial Board and notify the class in advance.

e. The instructor will remain in the examination room for no more than 15 minutes after the start of an examination. He or she may return during the examination to check on any further problems that students may have with examination questions or general procedure, only if he or she announces his or her intention to do so at the beginning of the examination. Instructors will remain in the general area for questions for the duration of the examination period.

f. During the examination each student will have complete freedom of action providing he or she does not interfere with the work of others. Except in the case of take-home examinations, no examination papers will be taken from the room except to consult with the instructor.

Article III: Violations of the Honor Code, Procedures, and Disciplinary Actions

a. Any member of the College community (student, faculty, or administrator) who is aware of a case of academic dishonesty is morally obligated to report it to the Academic Judicial Board through the Judicial Affairs Officer.

b. Those who cheat are morally obliged to report their own offense to the Academic Judicial Board.

c. The Academic Judicial Board will schedule a hearing for the accused. The accused will be allowed to introduce evidence or witnesses in his or her defense. The presence of the accuser in person is required at the hearing.

d. If seven members of the Academic Judicial Board are present, six votes are needed for a decision of guilt. If six members are present, five votes are needed.

e. Any infraction of the honor system is normally punishable by suspension from the College. However, the penalty may be modified when, in the opinion of the Academic Judicial Board, conclusive reasons warrant such action.

f. Should the accused be found not guilty, all records of the proceeding will be destroyed.

g. Right of Appeal: A student found guilty of an offense will have the right of appeal to the Judicial Appeals Board in all cases.

h. All deliberations of the Academic Judicial Board concerning violations of the honor system will be conducted in confidence.

Article IV: Amendment Procedures and Review Committee

a. This constitution (B. Undergraduate Honor System: Preamble and Articles I-IV) may be amended by a referendum in which two-thirds of all students who are currently registered for classes vote, and in which two-thirds of those voting support the change, subject to ratification by the faculty. Community Council, the faculty, or the Honor Code Review Committee can suggest changes to other aspects of the judicial system by making recommendations. Those recommendations would eventually need to be ratified by the Community Council, which forwards them to Faculty Council for review, and then to the faculty for final approval.

b. At least every fourth year, a committee consisting of two faculty members, two students (one of whom will be the current co-chair of the Academic Judicial Board), and a dean from the Office of the Dean of the College shall examine the honor system and its operation and make any appropriate recommendations for revision to the faculty and the Community Council. Faculty members will be selected by the Faculty Council, the second student member by the Student Government Association, and the dean from the Office of the Dean of the College.

Community Standards and General Policies

Middlebury College requires all its faculty, staff, and students to adhere to certain policies and regulations. These regulations, which differ for different segments of the College community, are all designed to further the educational goals of the College. The College's central purpose is to develop the life of the mind in the fullest sense: to foster clear and critical thinking; to disseminate valuable information; to facilitate research; and to enrich the imagination, broaden sympathy, and deepen insight. The College seeks to help each student develop the capacity to contribute to society and find personal fulfillment. Whatever promotes learning and human growth is encouraged by the College; whatever hinders it is opposed. The College's policies and regulations, which are always open to review, are formulated with this general principle in mind.

In addition to fostering the growth of its individual students, Middlebury College recognizes its obligation to promote the welfare of the College community as a whole and to take appropriate action when that welfare is jeopardized. To that end, the College reserves the right, notwithstanding and apart from the procedures described below, on an emergency basis, to suspend, dismiss, or require to withdraw any student whose presence is determined by College authorities (the dean of the College; the vice president for Language Schools, Schools Abroad and Graduate Programs; the director of the Bread Loaf School of English; or the director of the Bread Loaf Writers' Conference, as appropriate) to pose a danger to self, the College community, or its members, or to be unduly disruptive of College life. The College recognizes that its students are citizens of larger communities – local, state, and federal –and should enjoy the same rights of petition and freedoms of speech and peaceful assembly that other citizens enjoy. Faculty and administrative officials should ensure that College authority is not used to inhibit that intellectual and personal growth of students, fostered by the exercise of the rights of citizenship, both on and off campus.

College disciplinary action is distinct from and not dependent upon the outcome of any legal proceedings involving a student, although conduct that forms the basis for legal proceedings may also warrant disciplinary action by the College, and conviction of a crime may in itself justify disciplinary action.

The College will hear complaints pertaining to conduct of Middlebury College students occurring on Middlebury College property (including the Bread Loaf campus, the main campus, or Middlebury College campuses abroad), or in Middlebury or its environs. The College will also consider hearing cases involving Middlebury College students that occur off campus if the incident occurs while the students are participating in an official College event, program, or are on official College business. The College's disciplinary process will not be used merely to duplicate the function of federal, state, or local laws, but where the institution's distinct interests as an academic community are involved, the College may invoke its disciplinary authority in response to infractions of the laws of the off-campus community.

If the College determines that the complaint will not be heard on campus, the avenue for the victim to seek redress will be legal action (civil and/or criminal). The College may offer assistance to a student facing civil or criminal legal proceedings, by apprising the student of sources of legal counsel, for example, but the College will endeavor not to interfere in any such

proceedings. Students should also be aware that College officials and other students may, like all persons, be compelled to give testimony or evidence if subject to the subpoena power of a court.

While students are enrolled at the College, they must inform the College of any occasion on which they are charged with a felony by state or federal authorities. Failure to do so may itself result in disciplinary action.

A. General Regulations

Flagrant disrespect for persons, flouting of common standards of decency, behavior unbecoming of a Middlebury student, or continued behavior that demonstrates contempt for the generally accepted values of the intellectual community may result in disciplinary action.

1. Respect for Persons and Property

The College expects all members of the College community to respect the dignity, freedom, and rights of others. Violence in word or deed against another; incitement or provocation to violence; conduct that exploits or coerces another; theft or the destruction of another's property; prevention of another's free expression of ideas by intimidation, abuse, or physical force; defamation; violation of another's privacy; unauthorized entry and, specifically, uninvited hostile presence in another's room or office, are all considered serious offenses. Any one offense may lead to disciplinary proceedings with penalties up to and including suspension or expulsion.

Where verbal or physical altercation has occurred, where harassment or hazing has been alleged, or where otherwise deemed appropriate under the circumstances, the deans have authority to issue a "no contact" order to the persons involved, whether or not disciplinary action is taken. Refusal to adhere to the order after notification of its terms, which notification may be verbal, may lead to disciplinary proceedings, up to and including suspension or expulsion.

The College has adopted a statement on harassment, which states the College's opposition to any form of sexual, racial, ethnic, religious, or other forms of harassment, as prohibited by the College's policies. It also sets forth procedures to be followed in the event of an incident of such harassment.

2. Hazing

The College prohibits hazing activities, whether by an individual or an organization. Conduct may be considered hazing if it

- (a) endangers the mental health, physical well being, safety, or rights of any individual;
- (b) is intended to or is reasonably likely to result in humiliation, physical or emotional injury, or
- (c) leads to a violation of Vermont state law or Middlebury College policies.

Conduct is still hazing even if the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Examples of prohibited individual/group activities include but are not limited to the following:

- (a) requiring participation in activities that by design do not allow adequate time for study;
- (b) requiring the use of alcohol in any process or activity;
- (c) requiring nudity at any time;
- (d) throwing substances or objects at individuals with intent to harm;
- (e) vandalizing, defacing, or stealing any property;
- (f) verbal abuse or threatening physical harm;
- (g) assigning unreasonable chores;
- (h) forcing a person to eat something against his or her will;

or

- (i) requiring excessive exercise.

Hazing activity may lead to disciplinary proceedings with penalties up to and including suspension or expulsion. Hazing may also lead to the termination of a student organization.

3. Respect for the Educational Function of the College

Any disruption of the educational function of the College is considered a serious offense, which may lead to disciplinary proceedings and carry a maximum penalty of dismissal.

4. Respect for College Officials

Middlebury College vests many employees with specific duties and authority to effect the purposes of the institution. Faculty; deans; administrative, custodial, dining, and library staff; Public Safety officers; first year counselors; resident assistants; and Commons residence advisers are all College officials with authority commensurate with their duties. Failure to respect the lawful authority of College officials may result in disciplinary action. Students are expected to identify themselves by showing their College identification card upon request of College officials.

[updated 16-Oct-2007; "first year counselors" replaces "junior counselors"]

5. Respect for College Property

The Middlebury College campus, its residence halls, institutional facilities, other buildings, furnishings, and supplies are provided for the general and continuing use of the community. Theft of or damage to College property is considered a serious offense, which may lead to disciplinary proceedings with penalties up to and including suspension or expulsion.

a. College Facilities: Unauthorized entry into closed or restricted areas of the College, including roofs of buildings, may result in disciplinary procedures.

b. Library Resources: The Middlebury College library is committed to maintaining collections that exist as common resources to be shared, preserved, and respected in a manner guaranteeing protection for future users. The ethical use of library materials involves acceptance of this principle and appropriate conduct regarding library collections. Inappropriate use includes, but is not limited to:

- i. writing upon, defacing, tearing, cutting, mutilating, or destroying books or other library property;
- ii. willful concealment of a book or other library property on one's person or among one's belongings while attempting to leave, or leaving the premises of the library without formal borrowing through the circulation desk;
- iii. the willful concealment of a book or other library property within the library;
- iv. the willful removal of a book or other library property in contravention of library regulations;
- v. the intentional alteration or destruction of library ownership records; or
- vi. the willful retention of library materials beyond their stated loan periods.

Inappropriate use as defined above will be referred to the Judicial Affairs Officer and is subject to disciplinary proceedings.

c. College Store: Theft from the College Store is a serious infraction and will lead to disciplinary proceedings.

d. College Equipment: Students who use instructional and other College equipment are expected to return it on time and to maintain and care for it. Failure to comply with these regulations may lead to disciplinary proceedings.

e. Furnishings: College furnishings provided in lounges and other public spaces belong in those spaces. The presence of such College furnishings in a student's room is a violation of College policy and may result in a \$50 fine and disciplinary proceedings.

f. Dining Facilities: Removal of food, dishes, utensils, etc., from College dining facilities (including the Grille, Rehearsals Café, Golf Course, and Snow Bowl) may result in a \$35 fine and disciplinary proceedings.

g. Disposition of College Property: Disposition of College property to another under the pretense that it is one's own is not permitted and may result in a \$50 fine and disciplinary proceedings.

h. Vandalism and Physical Damage: The minimum penalty for damage or vandalism, whether in a dormitory or other College facility, is payment of the cost of repair or replacement. Students found guilty through a judicial hearing, or by a Commons dean, of vandalizing property may be fined \$100, in addition to being assessed the costs of repairs or replacement. If an individual voluntarily turns himself or herself in to their Commons dean, the sanction may be lessened.

i. **Theft of Services:** Unauthorized use of College services, which includes unauthorized use of telephone services, is prohibited and violators are subject to disciplinary proceedings.

Students should be advised that theft or destruction of College property may constitute a criminal offense, as well as a violation of College regulations, and the College may report the theft or destruction of property to appropriate law enforcement authorities.

6. Dining Room Regulations

Students who eat in a College dining room without a board contract and without having paid for the particular meal will be charged for the meal and are subject to a \$35 fine and disciplinary procedures. Students providing food from the dining hall to those without contracts will be subject to a meal charge, a \$35 fine, and disciplinary procedures. Repeated offenses may lead to suspension for at least one term.

Theft of removal of food, dishes, utensils, etc., from the College dining facilities (including the Grille, the Juice Bar, Rehearsals Café, the Redfield Room, Midd Xpress, the Golf Course and Snow Bowl snack bars) is prohibited and may result in a minimum \$35 fine, plus disciplinary procedures.

Students are not permitted to enter dining facilities through "back door" entrances. Repeated offenses may lead to a suspension of at least one term.

Smoking is prohibited in all dining areas.

In accordance with Vermont state health regulations, shoes and shirts are required in the dining rooms. Due to health and safety concerns, roller blades, cleats, and muddy attire are not permitted.

Middlebury College Anti-Harassment Policy

A. General Provisions

1. Introduction

Middlebury College is committed to maintaining a campus environment where bigotry and intolerance are unacceptable. Harassment, as defined by applicable law and the corresponding terms of this policy, is unlawful, and is antithetical to the mission of the College. Middlebury College strictly prohibits conduct that constitutes unlawful harassment, including sexual harassment.

Except as otherwise specified herein, this Anti-Harassment Policy applies to faculty, staff, and students, as well as to others who participate in Middlebury College programs and activities, including the undergraduate college, the Language Schools, the Bread Loaf School of English and Middlebury College Schools Abroad. Procedures for filing and resolving complaints of harassment in such programs are set forth in Section B below; however, where applicable law mandates different procedures and/or policies with respect to Middlebury College programs outside Vermont, those procedures and/or policies will apply.

Faculty, staff or students found to have violated this Anti-Harassment Policy may be subject to the full range of disciplinary actions, as applicable, up to and including termination of employment or expulsion from College academic programs.

2. Definitions

Harassment is defined as verbal, written, visual or physical conduct based on or motivated by a student's or employee's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, a student's marital status, or other characteristics as defined and protected by law in the location where a particular program is operating, that has the purpose or effect, from the point of view of a reasonable person, of objectively and substantially:

- i. undermining and detracting from or interfering with an individual's educational or work performance or access to College resources; or
- ii. creating an intimidating, hostile, or offensive educational, work, or living environment.

Harassment may include repeated slurs, or taunts in the guise of jokes, or disparaging references to others, use of epithets, stereotypes, comments, gestures, threats, graffiti, display, or circulation of written or visual materials, taunts on manner of speech, and negative reference to customs when such conduct is based on or motivated by one or more of the protected characteristics identified above, or other characteristics protected by applicable law.

In the College's Vermont programs, harassment may also include conduct of the type described above that is based on or motivated by a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability, which has the type of purpose or effect described above.

Harassment may also include so-called *quid pro quo* sexual harassment, meaning unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature when:

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

Examples of sexual harassment include, but are not limited to, the following:

- touching or grabbing a sexual part of a student's or employee's body;
- touching or grabbing any part of a student's or employee's body after that person has indicated, or it is known or reasonably should be known, that such physical contact was unwelcome;
- continuing to ask a student or employee to socialize on or off-duty when that person has indicated s/he is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or reasonably should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or reasonably should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or reasonably should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or reasonably should be known that the person does not welcome such behavior;
- derogatory or provoking remarks about or relating to a student's or employee's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation.

3. Retaliation

Retaliating against a person who has filed or supported a good faith complaint of any type of harassment as defined above, including but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person's educational, living, or work environment, is strictly prohibited by College policy and may be unlawful depending upon the circumstances, whether or not the harassment complaint is ultimately found to have merit.

4. Confidentiality

People who have concerns about harassment often ask for assurances about confidentiality.

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional or religious advisor. The medical, mental health, and religious professionals at Middlebury College respect and protect confidential communications from students, faculty and staff to the extent they are legally able to do so. One of these professionals may have to breach a confidence, however, when he or she perceives an immediate and serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault of a person under 18.

General inquiries to College officials about policies or procedures, and conversations in which the alleged wrongdoer is not identified by name or by implication from the circumstances may remain private. In all cases, Middlebury College will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to adopt and implement anti-harassment protocols. The College has an obligation to investigate complaints of harassment, however, and to take reasonable steps to prevent ongoing harassment (see below), so strict confidentiality may not be guaranteed.

Middlebury College is also part of a larger community and context. If there is an independent investigation or lawsuit related to a harassment or retaliation matter, those involved or others may be required by law to provide documents or testimony. Moreover, even where all parties involved wish to maintain confidentiality, the College may nevertheless need to intervene.

B. Procedures for Addressing Harassment

1. In General

Faculty and staff in Middlebury College programs receive training on harassment and retaliation prevention and procedures. All members of the College community are expected to promote an environment free from prohibited harassment and retaliation. Employees with supervisory responsibility are expected to take steps to address and remediate harassment and retaliation should it come to their attention. Supervisors should report all complaints or suspected acts of harassment or retaliation (even if it does

not involve direct reports) to the Human Relations Officer in accordance with Section 2, below, and/or to Human Resources. Depending upon the circumstances of a given situation, supervisors may be responsible for taking steps such as, by way of example but not limitation, addressing issues directly with staff, faculty, or students whom they supervise, facilitating informal resolution or mediation of issues, providing information on avenues to address questions of harassment and/or retaliation, or pursuing complaints under the complaint procedures described here. Failure of a supervisor to report or address harassment or retaliation complaints or suspected acts of harassment or retaliation appropriately may be considered a violation of College policy.

2. Complaints

Any Middlebury College student, faculty member or staff member who has reasonable cause to believe that harassment, including sexual harassment, has occurred or is occurring, or who believes that she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to bring that information to the immediate attention of the Human Relations Officer who is designated to receive such reports in the College program at issue. If the designated Human Relations Officer is unavailable, or if the Human Relations Officer has a conflict of interest, the report should be made to the designated alternate Human Relations Officer for the program at issue. The alternate shall have the same authority as the designated Human Relations Officer to process and investigate harassment and retaliation reports and complaints. Appendix A to this policy lists names and contact information for offices and/or individuals serving as Human Relations Officers and alternate Human Relations Officers in the College's various programs and locations.

(I). Faculty / Staff

When the Human Relations Officer receives actual notice – i.e., a written or oral complaint directed to the Human Relations Officer – of conduct that may constitute prohibited harassment of or retaliation against a **staff or faculty member** committed by a student, staff or faculty member, the College will initiate the following process:

- a. The Human Relations Officer will determine initially whether the report or complaint alleges conduct that is prohibited by this policy.
- b. If the Human Relations Officer determines that the report or complaint does fall within the scope of this policy, she or he will, individually or in conjunction with other College offices or individuals, conduct or supervise an investigation of the report or complaint that is appropriate under the circumstances.
- c. The Human Relations Officer will then work with College offices that have authority over the individuals involved in the matter, and the College will promptly take any necessary and appropriate remedial action.
- d. If the Human Relations Officer finds that a staff or faculty member has engaged in harassment or retaliation against another staff or faculty member, the Human Relations Officer will refer the matter to the appropriate supervisory authority and/or the Human Resources Department for disciplinary action, up to and including termination of employment, or other action as deemed appropriate under the circumstances. If the Human Relations Officer finds that a student has engaged in harassment or retaliation against a staff or faculty member, the Human Relations Officer will refer the matter to the Dean of the College (undergraduate program) or the Vice President for Language Schools, Study Abroad and Graduate Programs (other programs) for disciplinary action, up to and including dismissal from the College program at issue, or other action as deemed appropriate under the circumstances.

(II). Students

When the Human Relations Officer receives actual notice – i.e., a written or oral complaint directed to the Human Relations Officer – of conduct that may constitute prohibited harassment of or retaliation against a **student** committed by a student, staff member or faculty member, the College will initiate the following process:

- a. A copy of this policy will be provided to the complainant and the person alleged to have engaged in harassing and/or retaliatory conduct.
- b. If the complaint is oral, the Human Relations Officer or appropriate staff member will assist the complainant in reducing the complaint to writing, including the time, place, and nature of the conduct, and the identity of the participants and the complainant.
- c. The Human Relations Officer will, within one business day of receiving the written complaint, commence an initial investigation to determine, within five business days, whether there is cause to believe that prohibited harassment and/or retaliation has occurred or is occurring (unless special circumstances warranting additional time are present and documented).
- d. The Human Relations Officer may also at any time take appropriate steps, including by way of example only, issuance of no contact orders or temporary changes in assignment of duties, to protect complaining parties on an interim basis.
- e. If the Human Relations Officer's initial investigation results in a finding that there is cause to believe that harassment or retaliation has occurred or is occurring, the Human Relations Officer shall promptly appoint a fact finder, who shall conduct or continue an investigation and provide a report to the Human Relations Officer in sufficient time for the Human Relations Officer to make a final determination within thirty (30) days of the fact finder's appointment. However, if the Human Relations Officer's

initial investigation results in a finding that harassment or retaliation has occurred or is occurring (such that further fact-finding would be unnecessary), the Human Relations Officer has the discretion to issue a final determination without the appointment of another fact finder.

f. If the Human Relations Officer's initial investigation results in a finding that there is not cause to believe that the conduct complained of occurred, or, if it occurred, did not constitute prohibited harassment or retaliation under this policy, the complaining party may nevertheless request that the Human Relations Officer appoint a fact finder to conduct an investigation as described above. If the Human Relations Officer's initial investigation results in a finding that harassment or retaliation has occurred or is occurring (such that further fact-finding would be unnecessary) and the person complained against disputes this finding, the person complained against may nevertheless request that the Human Relations Officer appoint a fact finder to conduct an investigation as described above.

g. The Human Relations Officer shall receive the report of the fact finder and complete a review of a matter referred under subsection e. or f. and make a final determination within thirty (30) days of the referral (unless special circumstances warranting additional time are present and documented).

h. If review of a matter referred under subsection e. or f. results in a finding by the Human Relations Officer that prohibited harassment or retaliation has occurred or is occurring, both the complainant and the person who engaged in the prohibited conduct shall be advised of a plan to address the conduct and to prevent harassment and/or retaliation from continuing. The plan may include, by way of example only and as appropriate in a given case, such measures as required attendance at anti-harassment training, reassignment of housing, and academic accommodations. If the Human Relations Officer finds that a staff or faculty member has engaged in harassment or retaliation against a student, the Human Relations Officer will refer the matter to the appropriate supervisory authority and/or the Human Resources Department for disciplinary action, up to and including termination of employment, or other action as deemed appropriate under the circumstances. If the Human Relations Officer finds that a student has engaged in harassment or retaliation against a student, the Human Relations Officer will refer the matter to the Dean of the College (undergraduate program) or the Vice President for Language Schools, Study Abroad and Graduate Programs (other programs) for disciplinary action, up to and including dismissal from the program at issue, or other action as deemed appropriate under the circumstances.

i. In cases arising in Vermont, a student who is dissatisfied with the decision of the College or with the adequacy of the College's response to harassment or retaliation, may by written request to the Dean of the College (for matters related to the undergraduate program) or the Vice President for Language Schools, Schools Abroad, and Graduate Programs (for other College programs, as appropriate given the College program at issue), ask for independent review. The Dean or Vice President will initiate independent review by a neutral person selected from a list developed jointly by the Vermont Commissioner of Education and the Vermont Human Rights Commission. The costs of the independent review shall be borne by the College. The College may request an independent review at any stage of the process.

The independent reviewer does not conduct a second investigation. The review focuses on the College's response to the complaint of harassment, considering the adequacy of the investigation that was conducted and not the outcome of the investigation (i.e. whether or not the conclusion was correct as to whether harassment occurred). The independent review shall consist of an interview of the student and relevant College officials and a review of any written materials from the College's investigation. The independent reviewer shall be considered an agent of the College for the limited purpose of being able to review confidential student records. During the independent review, the College's determination and all actions taken by the College in response to the harassment complaint shall remain in full force and effect.

Upon completion of the independent review, the reviewer shall advise the student and College officials in writing (1) as to the sufficiency of the College's investigation, its determination, and/or the steps taken by the College to correct any harassment found to have occurred, and (2) of recommendations of any steps the College might take to prevent further harassment from occurring. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

III. Alternative Dispute Resolution

At all stages of the investigation and determination processes, College officials, when appropriate, may make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints. In assessing whether alternative dispute resolution is appropriate, College officials may consider factors such as, for example, (1) the nature of the accusations, (2) the agreement of the complainant and the accused individual, (3) other relevant factors such as any disability of the complainant or the accused, or any history of repeated misconduct/harassment of the accused individual. If an alternative dispute resolution is either not appropriate or is unsuccessful, College officials shall continue the investigation in accordance with the timelines established in the policy.

IV. Plans or Directives Issued by the Human Relations Officer

In any case in which the Human Relations Officer has made a finding of harassment or retaliation, violation of a plan or directive issued by the Human Relations Officer to address the harassment or retaliation may be grounds for further discipline.

V. Other Procedures

The decision of the Human Relations Officer with respect to factual determinations shall be final except as otherwise stated in Section B.2. II. i., above.

All witnesses interviewed in connection with a harassment or retaliation investigation are expected to cooperate fully in the investigation by providing complete, accurate, and truthful information. Such witnesses may also be expected to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of the interview confidential. Failure to cooperate fully with the investigator may subject the employee or student to the full range of disciplinary actions, as applicable, up to and including termination of employment or suspension or expulsion from the College.

Students, faculty, and staff in all instances have the option to pursue harassment or retaliation charges beyond the College, utilizing local, state, or federal enforcement agencies as appropriate, regardless of whether they choose to file a complaint on campus. The following agencies may be able to offer assistance in Vermont; students, faculty and staff at Middlebury programs in other locations may contact their Human Relations Officer for similar resources in their area (see Appendix A attached hereto for contact information):

Vermont Attorney General's Office, Civil Rights Unit

109 State Street, Montpelier, VT 05609

(802) 828-3657 or 888-745-9195 (toll free in Vermont) or (802) 828-3665 (TTY)

www.atg.state.vt.us

Equal Employment Opportunity Commission , Boston Area Office

One Congress St., 10th Floor, Room 1001, Boston, MA 02114

(800) 669-4000 or (617) 565-3200 (voice),

(800) 669-6820 or (617) 565-3204 (TTY)

www.eeoc.gov

Office for Civil Rights/Boston, U.S. Department of Education

33 Arch Street, Suite 900, Boston, MA 02110

(617) 289-0111

www.ed.gov/ocr

Vermont Human Rights Commission

135 State Street, Drawer 33

Montpelier, VT 05633-6301

(802) 828-2480 (phone and TTY)

(800) 416-2010 (toll free in Vermont only)

877-294-9200 (TTY)

www.hrc.state.vt.us

There are certain time deadlines for the filing of complaints with the above state and federal agencies and/or state or federal court. Therefore, an individual who chooses to pursue harassment or retaliation charges beyond the College's procedures should contact these agencies or his or her attorney for further assistance.

Each agency listed above can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe that unlawful harassment or retaliation has occurred, it may take the case to court.

Copies of this policy will be provided to all Middlebury College program faculty, staff and students. Printed copies of the Anti-Harassment Policy are also available at several College offices, including Vice President for Language Schools, Schools Abroad and Graduate Programs, Dean of the Faculty, Human Resources, Institutional Diversity, and Public Safety. This policy is available on the Middlebury College Web site: <http://go.middlebury.edu/anti-harassment>. This policy may be amended from time to time; the web site referenced above should be consulted for any updates. The amended policy, as published through the College's web site, shall supercede wholly any prior versions of the policy. Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment or retaliation, upon request.

A student may file a complaint of harassment or retaliation relating to the conduct of the Human Relations Officer with the Dean of the College or the Vice President for Language Schools, Schools Abroad, and Graduate Programs, as appropriate given the program at issue. Faculty and staff may file complaints relating to the conduct of the Human Relations Officer with the Associate Vice President for Human Resources and Organizational Development.

VI. The Human Relations Office and Record Keeping

The Human Relations Officer will keep confidential records or reports of harassment and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training. No identifying information will be retained in cases where the individual accused was not informed that there was a complaint.

The Human Relations Officer will track reports of harassment for statistical purposes and report to the President concerning the number, nature and disposition of such reports.

The Human Relations Officer is appointed by the President. Information about harassment and the Human Relations Officer is available at several college offices: Dean of the College, Dean of the Faculty, Human Resources, Commons, Institutional Diversity, Public Safety, and on the web at www.middlebury.edu/campuslife/diversity/hro or <http://go.middlebury.edu/hro>.

C. Policy on Sexual Relationships Between Faculty and Students

The integrity and trust of the faculty-student relationship is central to the mission of Middlebury College. A sexual relationship between a faculty member and a student for whom he or she has current direct academic or other professional responsibilities violates the standards articulated by the American Association of University Professors. It undermines – in fact or by perception – the integrity of the evaluative process as well as the trust, respect and fairness essential to the educational environment. Such relationships are inappropriate and members of the faculty are expected to avoid them and the potential conflicts of interest, favoritism, or bias they may bring about.

Faculty should be aware that a seemingly consensual sexual relationship with a student may nevertheless meet the legal definition of sexual harassment, as lack of mutual consent may be inferred from the power differential in faculty-student relationships. In addition, where a faculty member's relationship with a student has, on the basis of sex, the purpose or effect of substantially interfering with the work or academic performance of other persons, or creates, on the basis of sex, an intimidating, hostile, or offensive working, living, or educational environment, the faculty member's conduct may constitute a violation of the College's Anti-Harassment Policy.

D. Intellectual Inquiry and Debate

Middlebury College is a community of learners and as such recognizes and affirms that free intellectual inquiry, debate, and constructive dialogue are vital to the academic mission of the College and must be protected even when the views expressed are unpopular or controversial. This Anti-Harassment Policy statement is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including sex, sexual orientation, gender identity or expression, race, color, ethnicity, religion, marital status, place of birth, ancestry, national origin, age, or disability, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Middlebury College also recognizes that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. The "reasonable person standard" is to be used in judging whether harassment has occurred.

Amended on June 9, 2009; supercedes the College's Anti-Harassment Policy dated October 28, 2008.

APPENDIX A

Middlebury College (Undergraduate Program)

Susan P. Ritter, Esq.,
Human Relations Officer
Middlebury College
McKinley House
422 S. Main Street
Middlebury, VT 05753
802.443.2246

Alternate Human Relations Officer (All Middlebury Programs)

Laura Carotenuto
Alternate Human Relations Officer
Middlebury College
Human Resources
Service Building
Middlebury, VT 05753
802.443.2012

Middlebury Summer Language Schools (Vermont)

Elizabeth Karnes Keefe
Human Relations Officer
Middlebury College
Sunderland Language Center 210
Middlebury, VT 05753
802.443.5685

Middlebury Summer Language Schools at Mills College

Laura Wineland
Human Relations Officer
5000 MacArthur Blvd.
Oakland CA 94613
510.430.2284

California Agencies:

Office for Civil Rights

U.S. Department of Education
50 Beale Street, Suite 7200

San Francisco, CA 94105
Phone: 415.486.5555

Equal Employment Opportunity Commission

350 The Embarcadero
Suite 500
San Francisco, CA 94105-1260
Phone: 1-800-669-4000

Department of Fair Employment and Housing (DFEH)

Department of Fair Employment and Housing
Oakland District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
Telephone: (510) 622-2941

**Bread Loaf School of English
Bread Loaf Writers' Conference**

Elizabeth Karnes Keefe
Human Relations Officer
Middlebury College
Sunderland Language Center 210
Middlebury, VT 05753
802.443.5685

On-Site Contacts:**Bread Loaf School of English / (Vermont)**

James Maddox, Director
Emily Bartels, Associate Director
Bread Loaf CPO
4265 Ripton 125
Middlebury, VT 05753
802.443.5418

Bread Loaf School of English (North Carolina)

Tilly Warnock, Director
Karpen Hall #213, CPO #2130
One University Heights, UNC Asheville
Asheville NC 28804
828.251.6603

North Carolina Agencies:**Office for Civil Rights**

U.S. Department of Education
1100 Pennsylvania Ave., N.W. Rm. 316
P.O. Box 14620
Washington, D.C. 20044-4620
Phone: 202.786.0500

Equal Employment Opportunity Commission

Charlotte District Office
129 West Trade Street
Suite 400
Charlotte, NC 28202
Phone: 1.800.669.4000

Bread Loaf School of English (New Mexico)

Cheryl Glenn, Director
St. John's College
1160 Camino Cruz Blanca
Santa Fe, NM 87505
505.995.4084

New Mexico Agencies:**Office for Civil Rights**

U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
303.844.5695

Equal Employment Opportunity Commission

505 Marquette, NW
Suite 900 – 9th Floor
Albuquerque, NM 87102
1.800.669.4000

Bread Loaf School of English (Oxford)

John Fyler, Director
Lincoln College
Oxford OX1 3DR
United Kingdom
011.44.1865.279019

Sexual Assault Policy

General Provisions

Middlebury College policies strictly prohibit sexual harassment and sexual assault. The College's harassment policy prohibits many forms of harassment including sexual harassment and examples of such behaviors are outlined in the policy statement. It should be recognized that sexual harassment includes a range of behaviors up to and including coerced sexual contact that may involve coerced sexual intercourse (i.e., sexual assault).

The harassment policy applies to faculty, staff, and students. This means that a member of the faculty, staff, or a student may choose to bring a charge of sexual assault under the harassment policy and procedures when applicable. For example, if a student is sexually assaulted by a staff person or faculty member, the student may choose to bring a complaint against that staff person or faculty member under the college sexual harassment policy, if applicable. Also, if a faculty member is sexually assaulted by a student, the faculty member may bring a charge of sexual assault against the student under the college sexual harassment policy, if applicable.

The College also has a separate sexual assault policy, which governs only the behavior of students and as such only Middlebury students, faculty or staff may file complaints against Middlebury students under this policy. If a student has been sexually assaulted by another student, and chooses to file a complaint under college policy, the student filing the complaint may pursue redress under either the sexual harassment policy or the sexual assault policy, but not both.

All members of the college community (faculty, staff and students) have the right to pursue sexual assault and sexual harassment charges beyond the College, utilizing local, state, or federal enforcement agencies as is appropriate, regardless of whether they choose to file a complaint on campus.

Additional information on sexual assault and sexual harassment can be found on the Web. Printed copies of the Sexual Harassment and Sexual Assault Policies are also available at the Office of Public Safety and in the Commons offices.

Middlebury College Sexual Assault Policy

As an educational institution, Middlebury College is committed to promoting, through educational and awareness-raising activities, a campus environment where sexual assault and exploitation are recognized as wholly unacceptable, and where survivors of sexual assault are provided support and avenues of redress as appropriate.

As an educational institution, Middlebury College is committed to promoting, through educational and awareness-raising activities, a campus environment where sexual assault and exploitation are recognized as wholly unacceptable, and where survivors of sexual assault are provided support and avenues of redress as appropriate.

Sexual assault, including rape, is a form of violence used to exert power and control over another person. Sexual assault is defined as including:

Engaging in a sexual act with another person:

1. By compelling the other person to participate in a sexual act without consent; or
2. By threatening or coercing the other person; or
3. By placing the other person in fear that any person will suffer imminent bodily injury; or
4. Having impaired substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person.

In addition, sexual assault also includes a person engaging in a sexual act with another person when that other person:

1. Is mentally incapable of understanding, or for any reason, including intoxication, is unaware of the sexual act; or
2. Is physically incapable of resisting or of communicating an unwillingness to participate; or
3. Is under the age of 16.

For purposes of this policy, a "sexual act" is defined as meaning conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.

Sexual assault and attempted sexual assault violate Middlebury College policy, and are prohibited. Students found to have violated this policy are subject to disciplinary sanctions up to and including expulsion from the College. Conduct that violates Middlebury College policy may also violate Vermont law.

Formal charges of sexual assault are to be filed with the dean of the College. If you choose to file a formal complaint you will be asked to put your complaint in writing. An investigation and hearing will be conducted. If the accused is found guilty, disciplinary action will be taken.

A student who believes he or she may have experienced sexual assault is encouraged to seek medical care and supportive counseling as soon as possible. Evidence of such an assault may be collected during a medical examination at Parton Health Center by a Sexual Assault Nurse Examiner (SANE) after an assault has occurred.

We encourage you to seek assistance from the many campus and community resources available to you.

Summary of Resources for Survivors of Sexual Assault or Attempted Sexual Assault

A student who believes he or she has experienced sexual assault may file a formal complaint at the College and/or pursue criminal charges or legal remedies.

On behalf of the College, the deans have several options that they can offer to a survivor of sexual assault, as appropriate to the circumstances, including:

- i. discussion about options regarding different levels of addressing the assault;
- ii. assistance with filing charges through the College judicial system;
- iii. facilitation of a mediated discussion with the alleged perpetrator;
- iv. issuance of a no-trespass or no-contact letter;
- v. referral to counseling and other support services;
- vi. academic allowances or changes in living arrangements; and
- vii. assistance in notifying proper law enforcement authorities, if the student so chooses.

Students are encouraged to report incidents of sexual assault to the Department of Public Safety, the Office of the Dean of the College and/or the Middlebury Police Department, and to seek medical care and supportive counseling.

Confidentiality

In general, the law recognizes and protects the confidentiality of communications between a person seeking care, on the one hand, and a medical or mental health professional or religious advisor, on the other hand. The medical, mental health, and religious professionals at Middlebury College respect and protect confidential communications from students. Medical and mental health professionals are required by law, however, to report any incident of sexual assault of a person under 18; and any recipient of a confidential communication may have to breach that confidence where there is perceived to be an immediate and serious threat to self, others, or property.

Campus Resources

Parton Health Center, Ext. 5135

Two Sexual Assault Nurse Examiners (SANE) are on staff at Parton Health Center to coordinate the physical and psychosocial care of the sexually assaulted patient. They have received specialized training to provide comprehensive care to victims of sexual assault including physical assessment and collection of forensic evidence using a Sexual Assault Evidence Kit ("Rape Kit"). They are on-call 24 hours a day. Please see information under *Community Resources*: Porter Hospital Emergency Room below. Registered nurses, a physician, and nurse practitioners are available as an adjunct to the SANE's to provide medical care, testing, support, information on pregnancy and sexually transmitted diseases, emergency contraception and referrals. Care to students is provided at no cost. Lab tests done at the Health Center or outside lab tests or medical care will be paid for by the Vermont State Victim's Compensation Fund at the student's request. Services are confidential and information is not shared without the student's written permission, with the limited exceptions stated above, where there is an immediate threat to a person's life or safety, or where a person under the age of 18 has been sexually assaulted.

Center for Counseling and Human Relations, Ext. 5141

Individual short-term and crisis counseling is available. These services are confidential, except in the limited circumstances described. Mental health professionals are required to report to law enforcement authorities the sexual assault of a person under the age of 18, or where there is risk of immediate danger to self, others, or property. Consequently, in some circumstances, providers may not be able – legally or ethically – to maintain confidentiality. If you need to speak with a counselor after 5:00 p.m. or on a weekend, call the Health Center and the nurse on duty will call a counselor for you.

College Chaplain, Ext. 5626

The College Chaplains are available to provide supportive and confidential counseling.

Department of Public Safety, Ext. 5911.

If you have been sexually assaulted, you are encouraged to report the incident to the Department of Public Safety. Public Safety is available to provide transportation to Parton Health Center or to the Porter Medical Center Emergency Room. Upon receiving a report of sexual assault, Public Safety may alert the campus and community that a sexual assault has occurred if there is concern about further risk to others. The warning will be general and will not specify your name or other identifying information. Reports of sexual assault made to Public Safety will result in the notification of the sexual assault incident to the dean of the College, your Commons dean, and the Health Center. Reporting a sexual assault to Public Safety does not commit you to pursuing a judicial complaint. The Department of Public Safety encourages survivors to report any sexual assault to the Middlebury Police.

The Commons Deans and the Office of the Dean of the College

The Commons deans are available to support you by arranging extensions on academic assignments, reassessing course load and/or making changes in housing assignments, etc., when necessary, appropriate, and feasible. The deans in the Office of the Dean of the College can also assist you. In a student-to-student sexual assault situation, you do not have to file a formal complaint in order to request help from the deans.

Formal charges of sexual assault may be filed with the dean of your Commons, or the dean of the College. You may consult with any of the resources mentioned to determine your options. If you choose to file a formal written complaint, an investigation and judicial hearing will be conducted. Disciplinary action will be taken if the alleged offender is found guilty.

Human Relations Officer, Ext. 5615

In some instances, filing a formal complaint through the College sexual harassment complaint process may be appropriate. For more information you may contact the Human Relations Officer, Shirley Ramirez, ext. 5615.

Community Resources:**WomenSafe 388-4205 or 800-388-4205**

Support, counseling, and advocacy services are available 24 hours per day. Despite the name, services are available to both women and men. The services are confidential, to the extent permitted by law.

SafeSpace (802) 863-0003

SafeSpace describes itself as a "social change and service organization working to end violence in the lives of lesbian, gay, bisexual, transgender, queer and questioning people." Services include support for survivors, advocacy with and on behalf of survivors in court, at the hospital, and with police and other service agencies. Hours to call are Monday – Friday, 8:00 a.m. to 5:00 p.m.

Porter Hospital Emergency Room 388-4701

Our local hospital is available to provide medical treatment and to collect physical evidence. Porter Hospital has specially trained Sexual Assault Nurse Examiners to collect the necessary evidence. Having evidence collected does not commit you to notifying police of the assault. It will allow you to preserve evidence while you take time to decide if you want to report the sexual assault to police. A lengthy delay in reporting the assault to police may make the case more difficult to prove. If you bathe before having evidence collected, then you may be washing away valuable evidence of the crime. If you are under the age of 18, medical personnel will be required to notify police of the assault. The Victim's Compensation Fund is available to pay for most medical and other expenses.

Statewide Emergency Number (800) 489-RAPE

This number will automatically connect the caller with the local Domestic Violence/Sexual Assault program.

For Victims with Disabilities (800) 489-7273

This number will automatically connect the caller with the local program for crisis intervention, peer counseling, court advocacy, information, referral and other services.

Middlebury Police
388-3191
or
Vermont State Police
388-4919

You may report an assault to the police. Assaults on campus should be reported to the Middlebury Police Department. Assaults occurring in Vermont, but outside the town of Middlebury, should be reported to the Vermont State Police. Assaults that occur outside of Vermont should be reported to the police department that serves the location where the assault took place.

In Vermont, reporting the assault to the police will result in an investigation of the crime. Police will interview you and take a detailed statement of what occurred. You may have persons present with you during the interview to provide emotional support. The police will also interview witnesses, collect any physical evidence, and attempt to interview the assailant.

You should provide the names of any witnesses to the crime or names of any witnesses who saw you and the assailant together immediately before or after the assault. Police will interview witnesses, collect physical evidence (clothing worn at the time, bed clothes, condoms, condom wrappers, items handled by the assailant), photograph any injuries and will attempt to find and interview the assailant.

Once the investigation is completed, the police will bring the paperwork to the State's Attorney who will decide what, if any, charges should be filed. It is the State's Attorney's decision alone as to whether charges are filed.

If charges are filed, the State's Attorney's Office will provide you with more information regarding procedures, and your rights during a criminal judicial process. The Victim's Assistant at the State's Attorney's Office will provide you with information regarding counseling, and restitution for medical or other expenses, and will keep you advised as to the progress of the case while it is pending.

If charges are filed, you will be expected to attend an informal meeting where you will be questioned under oath by the defense attorney. This is called a deposition. The State's Attorney will be present at the meeting and will make sure that you are treated with dignity and respect. In Vermont, questioning regarding a survivor's sexual history is not permitted at any time during the case.

Although most cases are settled without a trial, you may be required to appear in court and testify regarding the details of the assault. The Vermont media generally have a policy of not reporting the name of the survivor in any news accounts of the trial or other proceedings.

During the time the case is pending the defendant will not be permitted to have any contact with you.

The telephone number for the Addison County State's Attorney's Office is 388-7931

Pursuing a Formal Complaint on Campus, and Campus Judicial Procedures

Whether or not to file a complaint with the College is up to the student who is the survivor of an assault. A student who believes he/she has been assaulted by another student may speak with the Commons deans or deans from the Office of the Dean of the College about the incident and seek their support without pursuing formal action.

In the unusual circumstance in which a dean determines there is significant risk to members of the College community, the dean may be obligated to pursue action to protect the community. The dean is obligated to report allegations against a faculty or staff member to the designated College administrative office for appropriate action.

Judicial Procedures

Should a student choose to file charges through the college judicial system, the judicial hearing process will follow the procedures outlined in the Judicial Boards and Procedures section of the Middlebury College Handbook. Campus judicial hearings are less formal than courtroom proceedings. They are intended to avoid intimidation of the person bringing the charge, while respecting the rights of the accused person to fair proceedings and an impartial hearing.

Special note should be given to the following procedures:

i. Jurisdiction

Sexual assault charges against a Middlebury student will be heard by the Community Judicial Board. A letter transmitting the charges will be given to the party charged.

ii. Support Person

The party charged and the party originating the charge may each bring an adviser who is a member of the College community. The advisers may be consulted by their advisees during the hearing, but, unless specifically invited, may not otherwise participate in the proceedings. In addition, either party may bring a member of the College community as a character witness. Prior to the commencement of the hearing, each student shall provide the chair with the names of persons serving as advisers and/or character witnesses.

iii. Privacy

Students should know that reports made to the Department of Public Safety will be shared with the student's Commons dean, the dean of the College, and the Health Center. Reports made directly to the Health Center and the Counseling Center are considered confidential medical records, and will not be shared with other College offices without the student's consent. Reports or records maintained by the College (including medical records) may, however, be subject to subpoena if a civil or criminal charge is filed in court.

Campus judicial hearings on sexual assault charges are closed. However, if either party requests that the hearing be "open" and both parties agree, the judicial proceedings may be open to the College community, subject to space limitations consonant with conducting a judicial hearing. If the judicial process is disrupted during any open meeting, the chair may close the meeting to the general community. In this event, the party charged and the party bringing the charge may each select two members of the College community as observers. Either party, with the consent of the other party, may permit continuation of coverage by the College press.

iv. Notification

As required by law, both the accuser and the accused will be informed of the outcome of campus disciplinary proceedings alleging a sexual assault, or attempted sexual assault. Both the outcome of guilt or innocence, and the sanction, if applicable, will be disclosed to the accuser and the accused. The accused will receive notification in writing; the accuser will be verbally informed. The Department of Public Safety shall be notified of any safety issue such as a No Contact Order, or a student being restricted from campus.

Alcohol and Other Drugs: Public Health Policy and Party Regulations

A. General Provisions

1. College Standards

Middlebury College's community standards reflect our commitment to developing the life of the mind in the fullest sense through learning in and out of the classroom, to instilling in our students respect for all individuals and for their environment, and to integrating these goals with our commitment to promote the welfare of the College community. A balance of individual growth and community health guides the College's approach to all academic and residential endeavors, including our approach to student alcohol consumption, and the use or possession of regulated drugs.

Therefore, the College will:

- a. Inform students of federal, Vermont, and local laws, and the policies of Middlebury College, to which they are accountable.
- b. Promote among students original and autonomous thought, and therefore, responsibility and accountability for their personal choices and actions.
- c. Encourage an environment of enriching extracurricular and social opportunities that includes substance-free events and healthy venues for students of legal age who choose to drink.
- d. Educate members of the community through academic and student life programs and policies about the role of alcohol and drugs in our society, safe and responsible decisions around alcohol consumption, and the negative individual and community consequences of abuse.
- e. Provide educational outreach health services to students who choose to use alcohol or drugs, who experience negative consequences, or who violate the commitment to individual and community safety.

For information specific to state and federal laws governing the use, possession, and distribution of drugs and alcohol, see the Middlebury College publication *Drugs, Alcohol and You* (which is mailed each year to every student).

2. Local, State, and Federal Laws

Middlebury College students (including special students and those living off-campus) are expected to observe local, state, and federal laws governing the possession, use, and furnishing of alcoholic beverages and controlled substances ("illegal drugs"). Violation of local, state, or federal law, or of Middlebury College drug or alcohol regulations, may result in College discipline, ranging from citations and/or fines up to and including loss of off-campus living privileges and suspension or expulsion, depending on the level of the offense.

Violation of state or federal controlled substance law resulting in criminal conviction could include loss of certain federal higher education benefits (student loans, Pell Grants, Supplemental Educational Opportunity Grants, and the Federal Work-Study program).

Middlebury College students are subject to College drug and alcohol policy rules and regulations while on College or College-related premises, or when involved with off-campus events sponsored by the College or a registered College organization. Students are also expected to observe the laws of the local jurisdiction when participating in off-campus events sponsored by the College or a Middlebury College organization.

Specifically,

- a. Illegal use of alcohol (underage drinking, possession of alcohol by a minor, furnishing alcohol to a minor) will result in citations and penalties ranging from warning to expulsion.
- b. Students using illegal drugs or in possession of amounts that appear to constitute "personal use" will face penalties ranging from warning to expulsion.
- c. Students found selling, manufacturing, or possessing drugs in amounts that indicate drug sales or distribution will face penalties ranging from suspension to expulsion from school.
- d. Students or organizations found illegally selling, manufacturing, or distributing alcohol will face disciplinary action up to and including expulsion.
- e. Possession of drug paraphernalia that has been used, whether at the time of confiscation or not, is against the law, and students who violate the law are subject to College discipline.

The College does not protect students from prosecution for drug or alcohol offenses under local, state, or federal laws, and does not interfere with legitimate law enforcement activities.

3. Citation system and penalties

- a. Possession of alcoholic beverage by underage students.

A student under the age of 21 found to be in possession of an alcoholic beverage will receive a written citation, and shall be subject to the following:

- i. First offense. The student will receive a follow-up letter from the Commons dean, which will constitute an informal warning, and will provide specific information about Vermont law and College rules and expectations.
- ii. Second offense. The student will receive a follow-up letter from the Commons dean, which will constitute an official warning, and will be accompanied by educational material which the student will be required to read. The student will be required to sign a return card confirming that the materials have been read, and return the confirmation card to the Commons dean. The student will also be required to complete the E-Chug educational online assessment, and discuss the results with his or her CRA. Failure to meet with the CRA in a timely manner may result in a reprimand.
- iii. Third offense. The student will receive an official reprimand from the Commons dean. A copy of the reprimand is sent home to parents. The student will be required to participate in an educational seminar, which is interactive and designed to promote self-reflection. The seminar is offered once a month. Attendance is mandatory. No make-up sessions are available, and failure to attend will result in disciplinary probation.
- iv. Fourth offense. The student will be charged with a conduct violation and subject to disciplinary hearing, with a likely sanction of disciplinary probation if there is a finding of guilt. Students may forego the hearing and accept the disciplinary sanction. An alcohol consultation with a staff member at the Center for Counseling and Human Relations will be required regardless of the outcome of the disciplinary hearing.
- v. Fifth offense. The student will be charged with a conduct violation and subject to disciplinary hearing, with a likely sanction of suspension if there is a finding of guilt. The student will be required to have an alcohol assessment by a certified alcohol counselor at his or her own expense. Any expectations for follow-up treatment will be incorporated into the re-entry expectations and process.

An appeal from an alcohol citation must be filed in the Department of Public Safety within 10 days of the issuance of the citation.

- b. Other violations of alcohol policy

Violations of the College alcohol policy other than possession by an underage student shall be subject to the regular College disciplinary process.

c. Possession of marijuana

A student found to be in possession of marijuana in an amount and under circumstances indicative of only individual use, shall be subject to the following:

- i. First offense: Reprimand. A copy of the reprimand is sent to the parents of a dependent student, or as otherwise allowed by law.
- ii. Second offense: Reprimand and recommended assessment. A copy of the reprimand and recommendation is sent to the parents of a dependent student, or as otherwise allowed by law.
- iii. Third offense: The student will be charged with a conduct violation and subject to disciplinary hearing, with a likely sanction of disciplinary probation if there is a finding of guilt. A drug consultation with a staff member at the Center for Counseling and Human Relations will be required regardless of the outcome of the disciplinary hearing.
- iv. Fourth offense: The student will be charged with a conduct violation and subject to disciplinary hearing, with a likely sanction of suspension if there is a finding of guilt. The student will be required to have a drug assessment by a certified drug counselor at his or her own expense. Any expectations for follow-up treatment will be incorporated into the re-entry expectations and process.

d. Other violations of drug policy

Violations of College drug policies other than possession of marijuana for individual use, including possession or use of prescription drugs other than by the person and in the manner prescribed, shall be subject to the regular College disciplinary process. A student found guilty of sale or distribution of illegal drugs, including prescription drugs, can expect to receive the most serious sanctions.

4. Health Concerns

Involvement with, or dependency upon, drugs or excessive or illegal use of alcohol will be viewed by the College as a health concern, as well as a disciplinary matter. Where a Commons dean has reasonable concerns that a student's health is being compromised by drug or alcohol use or abuse, a drug and/or alcohol consultation or assessment may be required. In addition, where a student's name or the name of an organization or a group occurs repeatedly in connection with a drug or alcohol problem, even though no concrete evidence or direct witness is involved, a dean may contact the student and meet with him or her. In these instances, the dean may encourage or require the student to undergo a drug/alcohol assessment, on or off campus, and may notify the student's parents or guardian of concerns about the student's drug or alcohol problem.

In disciplinary situations and the situations of concern mentioned above, a student may be required to withdraw from the College until successful resolution of the problem is documented to the satisfaction of the College.

B. Alcoholic Beverage Regulations

Violations of alcoholic beverage and party regulations may result in citations, alcohol education, fines, a loss of hosting privileges, and disciplinary action.

1. Under Vermont law only persons of legal age (21 or older) may consume alcoholic beverages. Legal proof of age, such as a valid driver's license, state issued liquor identification card, or a passport, may be required. Middlebury College students are also required to carry Middlebury College MiddCards while in possession of alcoholic beverages on the campus or at College-sponsored events.
2. The production, possession, or use of false identification is illegal and may lead to disciplinary proceedings.
3. References to alcohol may not be made in any publicity (e.g., posters, newspaper ads) on campus, except for licensed events under the College's catering permit which may include a reminder to "please bring two forms of i.d."
4. Regulations in the State of Vermont require that the identity of anyone who purchases a keg be recorded.
5. Under Vermont law, a person who sells or furnishes alcoholic beverages to an underage person, or enables an underage person to obtain such beverages, may be subject to criminal penalties. Moreover, a person who serves alcohol to someone who then is injured or causes injury to others may be liable for those injuries, if the alcohol was served in circumstances where it was foreseeable that injury might occur. For example, if the host of a party serves alcohol to someone who already is intoxicated, and the intoxicated person has an automobile accident on the way home, the party host, bartender, and/or the person who purchased the alcohol may all be liable for injuries that occur in the accident. Buying for, or serving, an underage person may lead to disciplinary action.
6. Under College regulations, the purchasers of alcoholic beverages, party hosts, and the occupants of residential spaces where parties take place will be responsible for the conduct of individuals who consume the alcohol.
7. A keg or other common container (e.g., punch bowl) used in a residential space must be registered in advance with a student's Commons office or the assistant to the dean of the College (social houses). A keg or common container belonging to an underage student is never permitted. A keg or common container in a first-year residence hall or floor is never permitted. If

an unauthorized keg or common container is found, the tap will be removed, the keg and tap or common container will be confiscated and returned to the vendor, a \$200 fine will be charged, and the responsible party will be referred to his or her dean for disciplinary proceedings.

8. Admittance to events at which alcohol is served is limited to invited guests.

9. In accordance with State law and requirements of the College's liquor license, individuals may not bring alcoholic beverages to catered events. Individuals may not leave a catered event with alcoholic beverages provided at the event.

10. Individuals may not bring unregistered alcoholic beverages to any campus event. Individuals may not leave a registered party with alcoholic beverages provided at the event.

11. Small, informal gatherings held in individual rooms, suites, and small houses occupied by of-age students, at which alcoholic beverages are consumed, do not have to be registered (for information on registered parties, see section C.4.). Please note that residents of the living space will be treated as "party hosts," and therefore assume responsibility for the actions of individuals who drink the provided alcohol (as noted in section B.7. above). Students are responsible for unregistered gatherings and related activities that occur in their rooms, whether or not they are present. Bear in mind that College policies regarding noise, vandalism, and respect for persons apply to informal gatherings as well as registered parties.

12. Consumption of alcoholic beverages at Bread Loaf, Middlebury College Snow Bowl, and the College libraries is prohibited, except during certain official functions.

13. Consumption of alcoholic beverages in student organization spaces (for example, WRMC, The Campus, Middlebury Mountain Club).

14. Consumption of alcoholic beverages is prohibited in any classroom setting, whether in a College building or elsewhere.

15. Consumption of alcoholic beverages is prohibited at any College sporting event or in any athletic venue, except during certain official functions.

16. Operating a motor vehicle while under the influence of alcohol is dangerous, illegal and will subject a student to disciplinary proceedings. Students found to be driving on campus under the influence of drugs or alcohol will be subject to a fine of \$100, will lose driving privileges on campus and will be subject to disciplinary proceedings. Students who are charged with DUI and are awaiting the court outcome have their campus driving privileges suspended pending the court disposition. In those incidents where the DUI involves an accident with injuries to others, or other exceptional factors, immediate disciplinary action may take place on campus.

17. Dangerous drinking games (e.g., funnels, keg stands, around-the-world parties, and other alcohol consumption based on speed and/or volume, etc.) are not allowed and will result in disciplinary proceedings.

18. Open containers are not allowed in public spaces, or outside on the campus grounds, unless the area has been designated for a registered or catered event. For the purposes of this policy, residential hallways are normally considered private spaces. Of-age students may transport open alcohol containers for personal use within residence halls, but hallways may not be used for parties. Individual Commons may designate certain spaces in residence halls as senior commons rooms; these spaces will be considered private.

Underage students are subject to the citation system (Section A.3. above) and to the open container policy for open container violations.

Students can be fined for having an open container in a public space.

C. Party Regulations

1. General Party Regulations

a. All parties within residential areas at which alcoholic beverages are consumed must be registered with the senior residence director. Private parties must be registered by 3:00 p.m. on the Thursday before the event unless otherwise noted by the Center for Campus Activities and Leadership (CCAL). Catered events must be registered with a student's Commons Office or CCAL at least 21 business days in advance as required by the Vermont Department of Liquor Control.

b. Party hosts and bartenders must be at least 21 years old and must have completed a College-approved social function workshop in order to register a function. Party hosts and bartenders must be present and may not consume alcohol before or during the party.

c. Parties may only be registered in approved lounges and designated locations on campus. The amount of alcohol allowed will be determined at the discretion of the senior residence director, Center for Campus Activities and Leadership, or the Office of the Dean of the College designee, based on the location of the event, anticipated attendance and the capacity of the room determined by the Safety Officer.

d. The Commons offices and senior residence director will schedule residential spaces, as well as review party plans, planned attendance, provision for enforcement of Vermont law governing the legal drinking age (i.e., party hosts must ensure that a system is in place to monitor the serving and consumption of alcoholic beverages to people of legal drinking age only), amounts of alcoholic and non-alcoholic beverages and food to be served. The senior residence director may require changes before authorizing registration of a party.

e. Parties may normally occur between the hours of 5:00 p.m. Friday and 1:00 a.m. Saturday, and 12:00 noon Saturday and 1:00 a.m. Sunday. During exam periods, parties may only be registered on the first Saturday from 10:00 p.m. to 1:00 a.m. Sunday. Exceptions for Winter Carnival and Senior Week activities may be granted by the Director of Campus Activities. The maximum duration of any private party is four hours. Two parties may not be registered sequentially for the same space.

f. Parties may be registered for Friday and Saturday only. A quiet atmosphere conducive to studying should prevail throughout all residences Sunday through Thursday nights.

g. Bands and DJs performing at private parties are allowed at the discretion of the Commons office, the senior residence director, the Office of the Dean of the College designee, or Center for Campus Activities and Leadership, and must be registered at the time of the party registration.

h. Alcoholic beverages may not be served after 1:00 a.m. Bands or amplified music in residential spaces must stop playing by 1:00 a.m. Special arrangements for late night programming in residential spaces may only be arranged through a student's Commons office, the Office of the Dean of the College designee, or Center for Campus Activities and Leadership (CCAL). Student programming in non-residential spaces must be catered and arranged through the Center for Campus Activities and Leadership.

i. Individuals and organizations hosting and/or individuals purchasing alcohol for parties where alcoholic beverages are served should be aware that, under Vermont law, a person who is injured in person, property, or means of support in consequence of the intoxication of any other person may be able to bring a legal claim for monetary damages against anyone who by furnishing alcoholic beverages unlawfully, contributed to that person's intoxication. For example, a party host, bartender, and/or the person who purchased the alcoholic beverage might be sued for having unlawfully furnished alcoholic beverages to a minor who thereafter causes harm, or for serving alcohol to an already intoxicated person who thereafter has an accident.

j. Party hosts and bartenders must be present and may not consume alcohol before or during the party. Service of alcoholic beverages may not begin until a Public Safety Officer arrives. Kegs must be tapped or punch mixed in the presence of a Public Safety Officer and the Party Host.

k. Hosts must ensure that proper i.d. checking procedures are followed consistently throughout the party.

l. Food and non-alcoholic beverages must be readily and continuously available to guests whenever alcoholic beverages are served.

m. Guests may be served only one drink per visit to the bar.

n. Bring-your-own-bottle (BYOB) parties are not permitted. Additional alcohol may not be brought into registered parties or alcohol-free events.

o. The noise ordinance of the town of Middlebury prohibits loud noise or disturbance after 10:00 p.m., Sunday through Thursday, and after 1:00 a.m. on Friday and Saturday nights (i.e., Saturday and Sunday mornings). Please note, however, that noise complaints may be registered at any time. Party hosts are responsible for ensuring that party noise is not excessive. Loud music, yelling, and other late-night noise infringe on the rights of neighbors. Guests are responsible for ensuring that while traveling to and from parties they do not disturb neighbors. Violators are subject to fines up to \$1,000 by the town and penalties imposed by the College, ranging from the loss of party privileges to disciplinary action.

p. Attendance may not exceed the legal capacity of the reserved space. Party hosts are responsible for regulating the number of guests in order to maintain safe occupancy of the space. Party hosts are expected to call the Department of Public Safety to help limit attendance if crowding during the party becomes a problem.

q. Registered spaces must be cleaned by noon of the day after the party, unless otherwise instructed by a student's Commons office. Functions in public areas (i.e., McCullough Student Center) must be cleaned by 8:00 a.m. of the day after the party. If special custodial service is required following a party, the party host(s) will be billed for that service.

r. Party hosts and guests are responsible for abiding by the College's prohibition on smoking in residence halls.

s. Party hosts should notify resident assistants of parties planned for their residence halls and of the arrangements being made. Resident assistants will consult with the Commons office or senior residence director if any aspect of the party plan seems inappropriate.

t. Residential spaces with designated and secured keg storage areas must return kegs by 5 p.m. on Monday following the weekend party. For residential spaces without designated storage areas, kegs must be returned by 5 p.m. on the day following the party. Kegs found after this time will be considered "unauthorized" or "illegal," and subject to confiscation, fine, and/or

disciplinary action. Kegs may not be stored in student rooms of common areas.

2. Private Parties (not catered events)

Private parties are those parties held in spaces connected to or in residential buildings, such as designated residence hall lounges, academic interest and social houses, where attendance is limited to guests who are notified by individual invitation and the host provides the alcohol. Students wishing to register a party must be residents of the Commons for which the space is designated. For example: a student who lives in Painter Hall may register a party in Gifford Annex Lounge (Wonnacott) or a student who lives in Forest Hall may register a party in Pearsons Lounge (Cook). Commons Offices and CCAL maintain a current list of approved party lounges and the corresponding residences. In accordance with Vermont state law, admittance to events at which alcohol is served is limited to invited guests. Party hosts are responsible for properly maintaining a guest list for their function. A Middlebury College Friends catering permit is not required for private parties. For additional information on regulations for private parties please contact CCAL.

Tickets may not be sold, donations may not be solicited, and money may not be collected from guests. Exceptions for the purposes of soliciting charitable donations may be considered by the Director of the Center for Campus Activities and Leadership.

Functions involving the use of hard liquor punch must follow the specified guidelines including the use of an approved, closed containers. These containers must be requested at the time of Party Registration and are available on a first-come, first-served basis. Complete procedures are available from CCAL, Senior Residence Director and the Commons Office.

3. Social House Private Parties

a. All Handbook policies apply.

b. Social houses using their own lounge areas will register their parties during the academic year with the senior residence director.

c. The host for social house parties must be a resident of the Social House building. For example, a student who lives in Brackett House may register a party for Omega Alpha. In accordance with Vermont state law, admittance to events at which alcohol is served is limited to invited guests. The president of the social house may not be the party host.

d. Social house parties may normally be registered for Friday and Saturday only between the hours of 5:00 p.m. Friday and 2:00 a.m. Saturday, and 12:00 noon and 2:00 a.m. Sunday. Parties for Ridgeline Woods houses may be held until 3:00 a.m. The maximum length of any social house party is five hours, except for the Mill which has a four-hour maximum.

e. The Office of the Dean of the College and the Center for Campus Activities and Leadership provide advisory, leadership development, and programming support for all social houses.

f. After any function, Social Houses must secure all kegs in the designated keg storage areas and must return kegs by 5 p.m. on Monday following the weekend party. For residential spaces without designated storage areas, kegs must be returned by 5 p.m. on the day following the party. Kegs found after this time will be considered "unauthorized" or "illegal," and subject to confiscation, fine, and/or disciplinary action.

g. All parties in Social Houses are assumed to be sanctioned by the full membership of the house. House residences may not be used for private parties of individual members.

4. Catered Events Covered by the Middlebury College Friends (MCF) Catering Permit/p>

Parties or events held in nonresidential spaces (e.g., McCullough Student Center, Center for the Arts, or Nelson Recreation Center must be licensed under the MCF Catering Permit if alcoholic beverages are to be served. All events funded by the Student Government Association Finance Committee at which alcohol is served must be catered, because student fees collected for dissemination through the Finance Committee cannot be used by individuals for the direct purchase of alcohol.

a. Parties held in private residential spaces, such as residence hall lounges or social houses, and funded privately, may be catered if the sponsoring host chooses and makes arrangements with the Dining Events Office.

b. Catered parties must be registered by any Middlebury College student with a Commons office or the Center for Campus Activities and Leadership at least 21 business days in advance in order to allow time for processing by the Vermont Department of Liquor Control.

c. Tickets for a catered event may be sold prior to the event, at the door, and/or at a cash bar. Events may be advertised, but publicity and posters may not make reference to alcoholic beverages, other than to remind students to "please bring two forms of i.d."

d. Under Vermont state regulation, individuals may not take alcoholic beverages to or from a catered event.

e. At all catered events a MCF representative will be in charge of serving alcoholic beverages. The catering manager will determine the appropriate bar staffing and amount of alcohol for catered events.

f. At the discretion of the Dining Events Office, Department of Public Safety officers or private security may be required (at the organizer's expense) for any catered event where alcoholic beverages are being served.

g. Except as noted in this section, all general party regulations listed in Section 1. above apply to catered events.

5. Outdoor Parties

a. Private parties may be held outdoors if they are an extension of an approved party location such as a small house. Parties in open spaces such as McCullough Quad or Battell Field must be catered.

b. Outdoor parties must be registered within a clearly defined, contained area (i.e., a roped off area) approved by the Department of Public Safety, and alcohol may only be consumed within that area. The host has the same responsibility as for an inside party.

c. Outdoor parties may not start before 5:00 p.m. on Friday or before 12:00 noon on Saturday.

d. Outdoor parties must stop serving alcohol and playing music by 8:30 p.m.

e. Outdoor parties are scheduled at the discretion of the senior residence director, Commons Office, the Office of the Dean of the College designee, or the Center for Campus Activities and Leadership.

6. Tailgate Parties

a. The Department of Public Safety may designate a tailgate area for scheduled athletic contests. Alcohol may be consumed only within the designated area.

b. Tailgating is permitted only before the athletic contest and during intermissions. No tailgating is permitted during the actual athletic contest.

c. Kegs or other common containers are not allowed.

d. The tailgate area will be cleared one-half hour after the contest ends.

D. Class 1 Liquor License Venues on Campus: The Grille; Proctor, Ross, FIC and Atwater Dining

1. Middlebury College maintains a number of Class 1 Vermont liquor licenses. Under such license, beer and wine may be sold at these locations.

2. Vermont law and the conditions of the liquor license forbid serving alcohol to anyone under the legal age (21). The College would risk the loss of its license and potential legal liability if it were to permit underage persons to purchase or consume alcoholic beverages in the Grille.

3. A patron may be served only one alcoholic beverage at a time.

4. Positive proof of age is required to purchase or possess alcoholic beverages. The bartenders and/or managers will determine the validity of identification. Valid forms of identification include a valid driver's license with photograph, a state-issued liquor control i.d. card, a passport, a military i.d. card, or a photographic non-driver i.d. card issued by Vermont or another state. A Middlebury College i.d. is not considered a valid primary form of identification for the purchase of alcohol but can be used as a valid secondary form of identification.

5. Dining bartenders and managers reserve the right to refuse service of alcoholic beverages to anyone.

6. Only alcoholic beverages purchased at the licensed venue may be consumed there. Alcoholic beverages may not be brought in to the licensed venue from outside.

The Grille

a. Serving hours and arrangements will be set at the discretion of the Grille management and in accordance with state law. Event hosts must give Grille Management adequate notice of the event (normally 10 business days minimum).

b. Visitors to the Student Center are welcome to patronize the Grille. A valid Middlebury College i.d. is required to use the Grille's

entertainment options (billiards, darts, foosball, video games). Non-Middlebury College student minors who are not accompanied by a parent or legal guardian are not permitted in the facility after 8:00 p.m. and may be asked to leave at any time.

c. Events at the Grille may be prepaid by the host, at the door, and/or have a cash bar. Events may be advertised, but publicity and posters may not make reference to alcoholic beverages, other than to remind students to "please bring two forms of i.d."

Functions at Dining Halls

a. Ross, Atwater, Proctor and FIC Dining Halls do not serve alcohol on a regular basis. Serving hours will be set at the discretion of the Dining Services and in accordance with state law. Event hosts must give the Dining Services office adequate notice of the event.

Judicial Boards and Procedures

Due process, insofar as the procedures of the College permit, will be afforded the party charged. Since the College lacks full judicial authority, such as the power to subpoena or place witnesses under oath, a student's due process rights cannot be coextensive with or identical to the rights afforded an accused in a civil or criminal legal proceeding. The procedures outlined below are designed, however, to assure fundamental fairness and to protect students from arbitrary or capricious disciplinary action. All judicial boards and disciplinary authorities of the College shall conduct their proceedings in the spirit of those principles. If exceptional circumstances dictate variation from these procedures, the variation will not invalidate a decision unless it prevented a fair hearing.

A. The Judicial System

The judicial system at Middlebury College consists of three judicial bodies, the Community Judicial Board, the Academic Judicial Board, and the Judicial Appeals Board.

For advice on the judicial system, please consult the Judicial Affairs Officer within the Office of the Dean of the College.

1. Community Judicial Board

a. Jurisdiction

The Community Judicial Board presides over non-academic conduct infractions.

If the Community Judicial Board cannot be convened because the College is in recess for the summer, a student charged with a non-academic disciplinary offense may choose (i) to have the matter heard by the dean of the College, in which event those members of the Community Judicial Board who are on campus will be asked to participate in the deliberations, or (ii) to postpone hearing on the charge until the Community Judicial Board can be convened. A student who chooses to postpone hearing under the provisions of subsection (ii), and who is subsequently convicted of the offense, will not suffer a financial penalty as a consequence of the postponement.

b. Organization

i. Composition

The Community Judicial Board consists of eight members: the dean of the College, one staff member, two faculty members, and four students. Each member has one vote. There will be one alternate member from the Office of the Dean of the College one staff alternate, one faculty alternate, and two student alternates. Alternates will only substitute for absent members of their own constituency.

ii. Selection

The dean of the College serves as the co-chair of the Community Judicial Board. His or her alternate will be a dean from the Office of the Dean of the College. The president of the College will appoint the staff representatives to the board, on the recommendation of the Staff Council. The Faculty Council will appoint the faculty members to the board. The student members will be appointed under the auspices of Community Council in the procedure described below. Those making the appointments are encouraged to consider gender balance in the selection process. First-year students may not serve on the Community Judicial Board. A student who is a member of the Community Council may not serve at the same time on the Community Judicial Board. The Community Council will review the continued eligibility of a student member of the Community Judicial Board who has been convicted of a serious infraction of College rules, and may require the member to resign from the Community Judicial Board.

Early in the spring semester, the Community Council will advertise for applicants to the Community Judicial Board, asking interested students to submit applications. Students serving on the Community Judicial Board may submit nominations. A selection committee comprised of one faculty member and two students from the Community Council, two nonvoting advisory members from the Community Judicial Board, and the Judicial Affairs Officer will select a slate of members. Whenever possible, at least one student member of the Community Judicial Board will have at least one year of prior experience. A student found guilty of a serious infraction of College rules by any College judicial authority will be eligible for membership only after review by the selection committee in consultation with the Dean of the College before the slate is presented to the Community Council. The slate of candidates will be submitted to the Community Council for ratification.

iii. Substitution of Members

If there is a need to convene the Community Judicial Board and regular student members cannot attend a hearing, alternates to the Community Judicial Board will be contacted first when regular members are unavailable. If the alternates are unavailable, student members of the Academic Judicial Board will be asked to serve. If for any reason a member of the Community Judicial Board has a conflict of interest in a particular proceeding, a replacement will be appointed from among the alternate members.

iv. Officers

After the Community Judicial Board has been selected, it will elect from among its members one student co-chair. The other co-chair will be the dean of the College. One of the co-chairs must be present to convene a hearing.

v. Accountability and Changes in Procedure

The Community Judicial Board is accountable to the Community Council and to the faculty, which has historically delegated its disciplinary authority. Reports consisting of an enumeration of cases heard, the nature of the charges, and the disposition, without disclosure of individual names, will be made annually by the co-chairs to the College community. A member of the Community Judicial Board or the dean of the College may recommend changes in rules, procedures, penalties, or any other part of the judicial process. The Community Council or faculty may also initiate such changes. Recommendations should be made jointly to the faculty and Community Council. The Community Council will submit to the faculty for final action a proposal for any changes the Community Council recommends. Final authority for changes rests with the faculty.

2. Academic Judicial Board**a. Jurisdiction**

The Academic Judicial Board has the responsibility to hear and determine all cases transmitted to it by the Judicial Affairs Officer involving academic dishonesty.

If the Academic Judicial Board cannot be convened because the College is in recess for the summer, a student charged with academic dishonesty may choose (i) to have the matter heard by a committee consisting of the administrative co-chair of the Academic Judicial Board and those student and faculty members of the Academic Judicial Board who are on campus, or (ii) to postpone hearing on the charge until the full Academic Judicial Board can be convened. A student who chooses to postpone hearing under the provisions of subsection (ii), and who is subsequently convicted of the offense, will not suffer a financial penalty as a consequence of the postponement.

b. Organization**i. Composition**

The Academic Judicial Board consists of seven members: a member of the faculty or the academic administration appointed by the president, two faculty members, and four students. Each member has one vote. There will be one faculty alternate and two student alternates. Alternates will only substitute for absent members of their own constituency.

ii. Selection

The member of the faculty or the academic administration appointed by the president serves as the co-chair of the Academic Judicial Board. The Faculty Council will appoint the faculty members to the board. The student members will be appointed under the auspices of Community Council in the procedure described below. Those making the appointments are encouraged to consider gender balance in the selection process. First-year students may not serve on the Academic Judicial Board. A student who is a member of the Community Council may not serve at the same time on the Academic Judicial Board. The Community Council will review the continued eligibility of a student member of the Academic Judicial Board who has been convicted of a serious infraction of College rules, and may require the member to resign from the Academic Judicial Board.

Early in the spring semester, the Community Council will advertise for applicants to the Academic Judicial Board, asking interested students to submit applications. Students serving on the Academic Judicial Board may submit nominations. A selection committee comprised of one faculty member and two students from the Community Council, two nonvoting advisory members from the Academic Judicial Board, and chaired by a dean from the Office of the Dean of the College will select a slate of members. Whenever possible, at least one student member of the Academic Judicial Board will have at least one year of prior experience. A student found guilty of a serious infraction of College rules by any College judicial authority will be eligible for membership only after review by the selection committee in consultation with the dean of the College before the slate is presented to the Community Council. The slate of candidates will be submitted to the Community Council for ratification.

iii. Substitution of Members

If there is a need to convene the Academic Judicial Board and regular student members cannot attend a hearing, alternates to the Academic Judicial Board will be contacted first when regular members are unavailable. If the alternates are unavailable, student members of the Community Judicial Board will be asked to serve. If for any reason a member of the Academic Judicial Board has a conflict of interest in a particular proceeding, a replacement will be appointed from among the alternate members.

iv. Officers

After the Academic Judicial Board has been selected, it will elect from its members a student co-chair. The other co-chair will be the member of the faculty or the academic administration appointed by the president. Currently the Dean of the College is the co-chair. One of the co-chairs must be present to convene a hearing.

v. Plagiarism and Academic Dishonesty Cases

A faculty member who believes a student has plagiarized or engaged in other forms of academic dishonesty shall submit a written statement of the facts supporting the charge to Judicial Affairs Officer, for transmittal to the Academic Judicial Board. The faculty member's statement will serve as the formal presentation of charges to the Academic Judicial Board, and therefore should be sufficiently detailed to enable all parties to prepare for the hearing. Accused students will be provided with photocopies of the charge statement and their allegedly plagiarized or dishonest work in advance of the hearing. Normally, the hearing will be scheduled at least one week after the charge statement has been provided to the student. Shorter deadlines may apply in cases involving seniors at the end of their final term. The faculty member initiating plagiarism or academic dishonesty charges shall be present in person at the hearing to explain the charges and to ask and answer questions. The faculty member and the student charged may each be accompanied by an adviser of his or her choosing from the College community.

vi. Accountability and Changes in Procedure

The Academic Judicial Board is accountable to the Community Council and to the faculty, which has historically delegated its disciplinary authority. Reports consisting of an enumeration of cases heard, the nature of the charges, and the disposition, without disclosure of individual names, will be made annually by the co-chairs to the College community. A member of the Academic Judicial Board or the dean of the College may recommend changes in rules, procedures, penalties, or any other part of the judicial process. The Community Council or faculty may also initiate such changes. Recommendations should be made jointly to the faculty and Community Council. The Community Council will submit to the faculty for final action a proposal for any changes the Community Council recommends. Final authority for changes rests with the faculty.

3. Judicial Appeals Board

a. Jurisdiction

The Judicial Appeals Board has jurisdiction, as specified in Section D., Appeals Procedures, below, to hear appeals from decisions of the Community Judicial Board and the Academic Judicial Board.

b. Organization

i. Composition

The Judicial Appeals Board consists of five members, each having one vote. There will be a member of the academic administration, appointed by the president, who serves as co-chair; two voting faculty members and one alternate faculty member selected by the Faculty Council; and two students selected according to the procedure specified below.

ii. Selection of Student Members

When the Judicial Appeals Board has been directed to hear an appeal, two students will serve on the board for that case. At the judicial training session at the beginning of the year, three students from the Community Judicial Board will be selected to serve as regular and alternate members of the Judicial Appeals Board for cases involving the Academic Judicial Board. Three students from the Academic Judicial Board will be elected to serve as regular and alternate members of the Judicial Appeals Board for cases involving the Community Judicial Board. One of the student members will co-chair the appeal along with the co-chair from the academic administration.

iii. Substitution of Members

If there is a need to convene the Judicial Appeals Board and regular members cannot attend a hearing, alternates to the Judicial Appeals Board will be contacted first when regular members are unavailable. If there is a need to convene the Judicial Appeals Board when both regular and alternate members are unavailable, the co-chair who is a member of the academic administration may appoint substitute members. Priority will be given to students and faculty with judicial experience. If for any reason a member of the Judicial Appeals Board has a conflict of interest in a particular proceeding, a replacement will be appointed from among the alternate members.

B. Hearing Procedures

The following procedures apply to hearings before the Community Judicial Board, the Academic Judicial Board, and the Judicial Appeals Board, except as otherwise specifically provided.

1. Judicial Charges

For the purposes of judicial charges, a case will only be considered during the time that the student charged is a Middlebury College matriculant, and before the student graduates. That is, a student may be charged for a violation that occurs after s/he

arrives for orientation and up until the time the student receives a diploma, or withdraws from the College. *A student may not withdraw with the expectation of returning to the College while a disciplinary matter is pending. Normally, the student who wishes to withdraw with a pending disciplinary matter must resign his place at Middlebury and give up any opportunity to return to the College. Under extraordinary circumstances, students may be granted permission to withdraw from the College with a pending disciplinary matter. Such permission will be granted by the Judicial Affairs Officer (after appropriate consultation) following a review of the case and a consideration of the College's best interests. If a student does withdraw from the College before resolution of a pending disciplinary matter, notation thereof will be made in the student's permanent file. Should the student be readmitted to the College, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return.*

[revised text approved by faculty vote and updated December 2007]

All judicial charges are transmitted to the accused student through the Judicial Affairs Officer. Charges may be initiated against an individual, group, or organization by one or more of the Commons deans, the dean of the College, or by any individual, organization, department, or office of the College.

Judicial charges are conveyed by the Judicial Affairs Officer on behalf of the College. (Example: disrespect of College official; students fighting). Sexual assault and harassment charges are an exception. The survivor of the reported assault and/or harassment will decide whether or not to file a complaint with the College and have a judicial hearing. In the unusual circumstance in which a dean determines there is significant risk to members of the College community, however, the dean may be obligated to pursue action to protect the community.

If charges come directly to the Community Judicial Board, the Board will inform the Judicial Affairs Officer, so that the dean may transmit the charges to the party charged. A statement transmitting the charges shall be prepared by the Judicial Affairs Officer. The Judicial Affairs Officer's statement transmitting the charges will indicate the identity of the accusing party and the names of any witnesses requested by either the dean or the accusing party to attend the proceedings.

Accused students will be provided with photocopies of the charge statement and their allegedly plagiarized or dishonest work in advance of the hearing.

1a. Disposition without hearing.

Upon receiving written notification of the charges, the accused student has the option of petitioning the Judicial Affairs Officer for a final disposition of the charges. The Judicial Affairs Officer will review the petition. Students who take full responsibility for the charges, and in cases where other parties are not impacted, will have the opportunity for a disposition without hearing. After reviewing the case, consulting with other administrators, and considering the best interests of the College, the Judicial Affairs Officer will determine a final disposition of the charges, as well as any sanctions that would accompany an acknowledgement of guilt. The student will not have the opportunity to reject the disposition. In circumstances where the Judicial Affairs Officer (after appropriate consultation) determines that a final disposition of the charges is not in the best interests of the College, the petition will be rejected and the case will go forward to a hearing.

[revised text approved by faculty vote and updated December 2007]

2. Administration of hearings.

A college official, who usually is the Judicial Affairs Officer, serves as secretary to the judicial board hearing a case, and the Judicial Appeals Board if an appeal is granted. The secretary assists in scheduling, provides required notices to the parties, witnesses, and board members, gathers exhibits and provides copies to parties and board members as appropriate, and otherwise performs administrative functions for the board. The secretary does not participate in deliberations of the board, but may be present during deliberations to assist with administrative tasks. If an appeal is taken from a finding of guilt, the secretary may submit a written response to the student's statement of grounds for the appeal, as provided in Section III D 2.

3. Notification of Hearing

Notification in writing will be given to the party charged, the party making the charge, and any known witnesses called by the Judicial Affairs Officer. Notification will include the time and place of the hearing and must be given at least two working days (defined to mean days on which College offices are open, whether or not classes are in session) in advance of the hearing, and not more than one week after the formal transmission of the charge, except where exigent circumstances require otherwise.

4. Attendance at Hearings

The party making the charge, the party charged, and all witnesses named in the letter of transmission are expected to be present at the time and place of the scheduled hearing. Failure to appear at a scheduled hearing after proper notice may subject a student to disciplinary penalties up to and including suspension. Judicial proceedings take precedence over academic and nonacademic activities, and students shall be excused from other obligations to participate in the proceedings. Should a student who has been properly charged and notified of a scheduled hearing fail to appear, the hearing may proceed and the penalties may be imposed as if the accused student were present.

5. Disqualification

Any member of a judicial body who has a conflict of interest in a particular proceeding is disqualified from sitting on that case. If a member of the Community Judicial Board, the Academic Judicial Board, or the Judicial Appeals Board is disqualified, normally an alternate member from the same constituency will be selected to participate. If the dean of the College is disqualified from

sitting on the Community Judicial Board in a particular proceeding, and an alternate dean from the Office of the Dean of the College is not available, the administrative co-chair of the Judicial Appeals Board shall appoint a member of the administration to fulfill the duties of the representative from the Office of the Dean of the College. If the faculty or administrative co-chair is disqualified from sitting on the Academic Judicial Board or the Judicial Appeals Board in a particular proceeding, the dean of the faculty shall appoint a member of the academic administration to perform the duties of the administrative co-chair in that case.

6. Quorum

Community Judicial Board hearings may be conducted with fewer than eight, but no fewer than six, members, at least three of whom must be students. If eight members are present, seven votes are needed for a finding of guilt. If seven members are present, six votes are needed for a finding of guilt. If six members are present, five votes are needed for a finding of guilt. In the event of a finding of guilt, sanctions shall be determined by majority vote.

Academic Judicial Board hearings may be conducted with fewer than seven, but no fewer than six, members present. If seven members are present, six votes are needed for a finding of guilt. If six members are present, five votes are needed for a finding of guilt. In the event of a finding of guilt, sanctions shall be determined by majority vote.

Judicial Appeals Board hearings may be conducted with fewer than five, but no fewer than four, members, at least two of whom are students, present. If five members are present, four votes are needed for a finding of guilt. If four members are present, three votes are needed for a finding of guilt. In the event of a finding of guilt, sanctions shall be determined by majority vote.

7. Audio recording

All judicial hearings will be audio recorded. The recording is the property of the College. In the event of an appeal, the recording will be available for the consideration of the appeal, as well as to the student bringing the appeal. Copies made for the student bringing the appeal must be returned once the appeal is filed and may not be used for other purposes. The recording, in cases in which students are found guilty, will be retained for the duration of the statute of limitations and then destroyed. All other recordings are destroyed at the end of the academic year.

8. Participation in Judicial Proceedings

Normally, participation in or attendance at judicial hearings shall be limited to students, faculty members, and employees of Middlebury College. When others are involved in a case or can offer testimony that is directly relevant, a judicial body may permit those individuals to participate in a hearing.

A student bringing a charge against another student involving sexual assault or harassment may request to participate in the hearing through use of the College's interactive television facilities. A request to participate from one of the College's interactive television sites must be made sufficiently in advance of the hearing to allow appropriate arrangements to be made for use of the facilities. All other procedures for student judicial hearings will remain the same, whether participation is by videoconferencing or by common presence in the hearing room.

9. Expectations

Honesty is expected on the part of all members of the community who testify. Failure to be truthful in all testimony before a judicial body may itself be grounds for disciplinary action.

10. Advisers and Character Witnesses

The party charged and the party originating the charge may each bring an adviser who is a member of the College community. The advisers may be consulted by their advisees during the hearing, but, unless specifically invited, may not otherwise participate in the proceedings. In addition, either party may bring one character witness. Prior to the commencement of the hearing, each student shall provide the chair with the names of persons serving as adviser and/or witnesses. The names will be shared with the person charged and the person bringing the charge.

11. Independent Expertise

If the case involves a technical matter that falls outside the expertise of the members of the body, the chair may invite an appropriate faculty and/or student adviser without voting privileges to assist the body during the hearing.

12. Rights of the Party Charged

The party charged has the right to be present throughout the hearing and to hear adverse testimony. In no case should a judicial authority consider evidence against a student unless the source, author, and content of any statement or other evidence has been identified to the student, and the student has been given the opportunity to rebut the statement or respond to the evidence. All written evidence intended to be introduced at the hearing must be provided to the chair of the judicial authority prior to the commencement of the hearing. The judicial authority reserves the right not to consider written evidence not provided in advance. Sanctions may only be imposed for the specific charge of which the student has been notified in writing.

13. Evidence Rulings

Formal rules of evidence do not apply in College judicial proceedings. The chair of the judicial body shall make rulings on evidentiary or procedural questions that arise in hearings. A decision of the chair may be modified by a majority vote.

14. Burden of Proof

The burden of proof rests with the party bringing the charge.

15. Basis of Decision

In reaching a determination of guilty or not guilty, the judicial authority shall base its decision only on evidence introduced at the hearing of that case. Findings of guilty or not guilty will be made on the basis of a preponderance of the evidence. If there is a determination of guilt, prior conduct and judicial history may be taken into account in determining a penalty.

16. Hearings

All hearings are confidential, except that the judicial body may, at the advance request of a student charged and with the consent of the person bringing the charge, open a hearing to all members of the College community, subject to space limitations consonant with conducting a judicial hearing. If the judicial process is disrupted during an open meeting, the judicial body may close the meeting to the general community. In this event the party charged and the party bringing the charge may each select two members of the College community as observers. The party charged may, with the consent of the party bringing the charge, permit a continuation of coverage by the College press.

17. Confidential Deliberations

All deliberations of judicial bodies are confidential.

18. Decision

Within two working days of the close of deliberations, the judicial body will provide a written statement of its decision. The Judicial Affairs Officer will normally give written notification of the decision to each party charged within two working days of receipt of a decision. Failure to meet the time limitations in this section will not invalidate a decision. Decision in cases involving alleged sexual assault will be reported as required by law.

19. Record of Proceedings

If a judicial proceeding results in a finding of not guilty, all records of the proceeding will be destroyed.

C. Sanctions

Penalties for violations of conduct regulations are recorded in the student's file. Penalties are not reflected on the academic transcript, except that the dates of enrollment at Middlebury College are a part of the transcript record.

1. General Nonacademic Offenses

Penalties that may be imposed on a student by a judicial body after conviction for a nonacademic offense include but are not limited to the following:

a. Fines or restitution: Fines or restitution are commensurate with the nature of the offense. The monetary cost of the harm done may be taken into account in assessment of a fine or an order of restitution.

b. Warnings: Warnings are an informal College discipline and are not part of the student's permanent record. Students who receive warnings can answer negatively if they are asked if they have been subject to College discipline. The letter of warning remains in a student's file until graduation, when it is removed. Warnings are taken into account in determining future judicial penalties and serve to make further violations of College regulations more serious.

c. Reprimands: Reprimands are also an informal College discipline and are not part of the student's permanent record. Parents or guardians are informed when students are reprimanded. Students who receive reprimands can answer negatively if they are asked if they have been subject to College discipline. A letter of reprimand remains in a student's file until graduation, when it is removed. Reprimands are taken into account in determining future judicial penalties and serve to make further violations of College regulations more serious.

d. Disciplinary Probation: Disciplinary probation is an official College discipline and is a permanent part of the student's record. Students who receive disciplinary probation must answer affirmatively if they are asked if they have been subject to College

discipline. Disciplinary probation extends for a stated period which may be as long as the rest of the student's College career. While on probation, further infractions of College rules, even minor infractions, may result in suspension. Parents or guardians are informed when students are placed on disciplinary probation.

e. Suspension: Suspension is an official College discipline and is a permanent part of the student's file. Students who receive a suspension must answer affirmatively if they are asked if they have been subject to College discipline. Suspended students must leave campus and are prohibited from participating in all College activities or using College facilities during the stated period of the suspension. In cases of suspension from the College, no refund of the comprehensive fee is made. Parents or guardians are informed when students are suspended. For international students, an outcome of suspension may affect the student's immigration status. Such students may wish to contact the international student adviser to discuss the situation.

Suspension may be:

- i. temporary, for a finite period less than a full academic term;
- ii. definite, for a stated period of at least one academic term; or
- iii. indefinite for very serious offenses. (A student suspended indefinitely may be readmitted only by special action of the Administration Committee.)

f. Expulsion: For particularly serious offenses, students may be permanently dismissed from the College. In cases where the penalty is expulsion, final appeal is to the president, who may reduce the penalty, if warranted, after consultation with the body that conducted the deliberations and after a review of the proceedings. In cases of expulsion from the College, no refund of the comprehensive fee is made. Parents or guardians are informed when students are expelled.

g. A sanction of suspension or expulsion is ordinarily stayed pending the outcome of any appeal authorized by the *Handbook*. However, if the judicial authority which imposed the sanction of suspension or expulsion makes a finding that imminent danger to one or more members of the College community may exist, suspension or expulsion will take effect immediately regardless of the pendency of an appeal.

2. Academic Offenses

Students found guilty of academic offenses, including violations of the honor code, plagiarism, and other violations of the standards of academic integrity expected of Middlebury College students, are subject to the penalties listed below.

Plagiarism, cheating, or any other violation of the Undergraduate Honor System is normally punishable by suspension. In 1997, the faculty reaffirmed its commitment to suspension as the normal outcome for violations of the standards of academic integrity. Recognizing that suspension can be of any length, the judicial body is responsible for choosing the most appropriate length for suspensions.

By vote of the judicial body in which they are found guilty, students found guilty of plagiarism or honor code violations will normally fail the course in which the offense occurred.

On rare occasions, if compelling reasons exist for not suspending a student found guilty of academic dishonesty, the judicial body may issue no less than a reprimand and invoke either of the following penalties: a 0 or an F on the piece of work, or a 0 or an F in the course.

Penalties for academic offenses:

a. Reprimand: Reprimands are an informal College discipline and are not part of the student's permanent record. Parents or guardians are informed when students are reprimanded. Students who receive reprimands can answer negatively if they are asked if they have been subject to College discipline. A letter of reprimand remains in a student's file until graduation, when it is removed. Reprimands are taken into account in determining future judicial penalties and serve to make further violations of College regulations more serious.

b. Disciplinary academic probation. Disciplinary academic probation is an official College discipline and is a permanent part of the student's record. Students who receive disciplinary academic probation must answer affirmatively if they are asked if they have been subject to College discipline. Disciplinary academic probation extends for the rest of the student's College career. A student found guilty of academic dishonesty while on disciplinary academic probation will be suspended. Parents or guardians are informed when students are placed on disciplinary academic probation.

c. Suspension.

Suspension may be:

- i. temporary, for a finite period less than a full academic term;

- ii. definite, for a stated period of at least one academic term; or
- iii. indefinite for very serious offenses.

Students who receive definite suspensions need to apply for readmission through the Administration Committee. A student suspended indefinitely may be readmitted only by special action of the Administration Committee. Readmission is not guaranteed under indefinite suspensions.

Suspension is an official College discipline and is a permanent part of the student's file. Students who receive a suspension must answer affirmatively if they are asked if they have been subject to College discipline. Parents or guardians are informed when students are suspended.

Suspended students must leave campus and are prohibited from participating in all College activities or using College facilities during the stated period of the suspension. In cases of suspension from the College, no refund of the comprehensive fee is made. Parents or guardians are informed when students are suspended. For international students, an outcome of suspension may affect the student's immigration status. Such students may wish to contact the international student adviser to discuss the situation.

If a student has been found guilty of violating the honor code and the suspension is not invoked until the end of the semester, no opportunity may be granted to make up or otherwise fulfill the requirements of the course in question, although the student may complete all other courses in which he or she is concurrently enrolled. In this case, the course grade will be recorded as an F.

A student suspended for plagiarism, academic dishonesty, or a violation of the honor code normally may not transfer to Middlebury course credits earned at other institutions during the period of suspension. However, this part of the sanction may be modified if compelling reasons warrant such action.

d. Expulsion: For particularly serious or repeated academic offenses, students may be permanently dismissed from the College. In cases where the penalty is expulsion, final appeal is to the president, who may reduce the penalty, if warranted, after consultation with the body that conducted the deliberations and after a review of the proceedings. In cases of expulsion from the College, no refund of the comprehensive fee is made. Parents or guardians are informed when students are expelled.

3. Voluntary Withdrawal

If a student withdraws from the College before resolution of a pending disciplinary matter or from a course pending imposition of an academic penalty, notation thereof will be made in the student's permanent file. Should the student be readmitted to the College, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return.

4. Reporting on Disciplinary Actions

The outcomes of all disciplinary proceedings shall be reported in general terms to the community at least once each year. Such reporting will be done in a way that ensures the confidentiality of the proceedings and does not reveal the identities of involved individuals.

D. Appeals Procedures

Appeals are conducted by different College officers and governing committees than those who reached the initial judgment.

1. Appeals from the Academic Judicial Board and the Community Judicial Board.

a. A student found guilty by the Academic Judicial Board or the Community Judicial Board of an infraction of College rules has the right of appeal to the dean of the faculty on one or more of the following grounds:

- i. discovery of significant new factual material not available to the body with original jurisdiction; however, deliberate omissions from testimony are not grounds for an appeal;
- ii. violation of stated procedures when the violation prevented fundamental fairness. Determination that a material procedural error has occurred may result in a rehearing of the case using correct procedures, but a procedural error is not itself a factor in reducing the penalty when the appeal upholds a conviction. Immaterial procedural errors will not be grounds for a rehearing;
- iii. discovery of significant mitigating circumstances, not fully considered by the body with original jurisdiction, which would justify reduction in a penalty.

b. The dean of the faculty, in consultation with a faculty member and a student member of the Community Council (designated at the beginning of the year), may

i. refer the matter to the Judicial Appeals Board for full or limited rehearing, if newly discovered factual material or procedural error is found; *it is the responsibility of the dean of the faculty, in consultation with the faculty member and student member to determine which aspects of the case merit a rehearing, and to direct the Judicial Appeals Board accordingly.*
[revised text approved by faculty vote and updated December 2007]

ii. refer the matter to the Judicial Appeals Board for limited rehearing, consisting of review of the recording and written materials submitted, if significant new mitigating circumstances are present; or

iii. deny the appeal.

c. Finality

Decision by the Judicial Appeals Board on an appeal, or denial of an appeal by the dean of the faculty, is final, except in cases where the penalty is expulsion, in which case a convicted student may appeal to the president.

2. Procedures

a. A student found guilty by the Academic Judicial Board or the Community Judicial Board may appeal the decision by giving written notice of appeal to the dean of the faculty within two working days of receipt of official notice of the decision. Within two working days of filing notice of appeal, the student will give the dean a written statement of the grounds for appeal, including an outline of the supporting evidence, and the names of those members of the College community whom the student requests to have present if a full rehearing is held.

b. The dean of the faculty shall provide a copy of the written statement setting forth grounds for the appeal to the secretary of the judicial body that heard the matter, with a request that the secretary deliver to the dean the records from the student's case. The secretary shall provide the records, and may, within three days of receipt of a copy of the student's appeal, submit to the dean a written response to the appeal. If such written response is received, the Dean of the Faculty shall provide a copy to the appealing student, and permit the student to submit a written reply within two days.

c. The Dean of the Faculty, in consultation with a faculty and a student member of the Community Council, will make a determination whether rehearing will be granted. Notification of the dean's decision will be given to the student within seven days of receipt by the dean of the complete records in the case, but failure to meet this notification deadline will not invalidate a decision.

d. Upon notice from the Dean of the Faculty that full or limited rehearing has been granted, the administrative co-chair of the Judicial Appeals Board will convene the Judicial Appeals Board. Should questions arise about procedural matters, the appeals authority may ask the chair of the judicial authority from which the case originated to provide clarifying information about the procedures followed in the hearing. Notice will be given to those involved of the date, time, and place of rehearing, which shall be held within seven days of the notice that the rehearing has been granted, absent exigent circumstances.

e. For periods of the academic year when the College is not in regular session, dates for addressing judicial matters will be scheduled at the discretion of the dean or administrator handling the hearing.

3. Finality

For all appeals,

a. If rehearing is not granted, the original decision stands, to take effect as of the date specified in the decision letter.

b. All penalties are suspended during an appeal, except in emergency circumstances as discussed above.

c. The board hearing an appeal may reverse the decision or mitigate a penalty, but may not increase a penalty.

d. Decisions by an appeal board are final, except in cases where the penalty is expulsion, in which case a convicted student may appeal to the president.

Student Fund-Raising

Student Fund-Raising

Fund-Raising and Concessions

The Center for Campus Activities and Leadership (CCAL) at Middlebury College gives approval to student organizations to raise money for charitable projects. In addition, student groups may be allowed to raise funds on campus to defray costs of a limited

number of special College-approved projects.

CCAL also gives approval to students to raise money for entrepreneurial or charitable projects. These projects, known as Concessions, are activities either for a student-run business or a fund-raising activity that involve the sale of a product or service.

Fund-Raising Policies and Regulations

a. Permission for fund-raising drives and concessions will be granted only to current College-recognized student groups (fund-raising) and student in good standing (concessions).

b. Students and student groups organizing fund-raising activities and concessions not involving the sale of a product or service (e.g., sponsoring a dance or a raffle) must obtain permission for their activity from the Director of CCAL or designate. Any student group sponsoring a fund-raising activity involving the sale of a product or service must also obtain a concession permit from CCAL.

c. When a fund-raising or concession activity involves setup, table, or booth, permission for the setup is granted by CCAL. If the requested site involves another department, then the director of that department must also provide permission for the activity to occur there (e.g., the Director of Athletics must also approve requests for activities at football games and other athletic events). The Director of CCAL and the supervisor of the site will decide whether or not one or more activities may occur simultaneously at the same location.

d. Any student organization funded by the Finance Committee of the Student Government Association must obtain prior approval for all fund-raising activities from the Finance Committee. Once approval has been granted, student organizations are subject to items a. through c. above. CCAL will deposit any funds raised into that organization's account.

e. Off-campus. Students and student groups are not allowed to solicit donations or gifts from local merchants. Under certain circumstances CCAL will approve fund-raising efforts that occur off campus. Student groups wishing to conduct fund-raising off-campus must familiarize themselves with and abide by all College policies in addition to all local, state, and federal laws and regulations.

f. Solicitation

Direct solicitation of funds via campus mail is prohibited. The Director of CCAL in consultation with College Advancement may make specific exceptions to this policy on a case-by-case basis.

Student groups or athletic teams may not solicit funds from parents or alumni. The Director of CCAL in consultation with College Advancement may make specific exceptions to this policy on a case-by-case basis.

Exception: Each year CCAL coordinates a series of mailings to the parents of current students advertising fund-raising opportunities as well as products and services for sale through campus concessions. Students or student groups interested in participating in this type of fund-raising activity must first contact the Director of CCAL. These requests must be made at least six weeks in advance of the mailing date. Mailing dates are available by contacting CCAL.

College-connected or public groups (private, nonprofit, or for-profit) may not use College directories for the purpose of solicitation.

Door-to-door solicitation in residence halls is prohibited. In addition, the solicitation of faculty and staff in their campus offices is prohibited. Door-to-door solicitation is also prohibited off campus.

g. Raising Funds for Charity

Student concessions may raise funds for off-campus charities (e.g. American Red Cross).

When revenue is generated by a student organization from an activity that was approved by the Student Government Association (SGA) Finance Committee using Student Activities Fee (SAF) money, the revenue must be returned, in full, to the organization's Middlebury College account. All revenue up to the principle spent on the activity must be spent according to Finance Committee Guidelines. All additional proceeds may be spent at the organization's discretion within the parameters of CCAL and the rules of Middlebury College. If new money was allocated for the activity, revenue will be repaid to the general SAF first, up to the amount of the new allocation, and then the proceeds will go into the individual organization's account. Exceptions to this rule may be considered by the SGA Finance Committee.

Organizations wishing to make donations to charitable organizations may use the proceeds from certain activities (see above). Allocated funds cannot be used for donations.

Organizations may collect funds through cash, debit cards, credit cards, or checks made out to Middlebury College. Checks may also be made out directly to the charity.

The organizations may not initiate any activity, the profits of which will be used for any direct or indirect contributions to a political campaign.

h. Any student sponsoring a concession must obtain a concession permit from CCAL. Permits must be obtained at least seven working days before the beginning of the activity or program.

i. When a sale involves setup, table, or booth, permission for the setup is granted by CCAL. If the requested sale site involves another department, then the director of that department must also provide permission for sales to occur there (e.g., the director of athletics must also approve requests for sales at football games and other athletic events). The Director of CCAL or designate and the supervisor of the sale site will decide whether or not one or more activities may occur simultaneously at the same location.

j. Students who wish to sell food products or who wish to prepare food in College facilities for sale on campus must obtain the signature of the Director of Dining Services or designate on the Concession Form and submit it to CCAL.

Sale and Distribution of Food On Campus

Recognized student organizations may distribute food in designated locations, as well as outdoor events, provided they have received prior approval from the Center for Campus Activities and Leadership and the director of Dining Services.

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[Home](#) > [About Middlebury](#) > [Middlebury College Handbook](#) > [Student Finances](#)

Student Finances

The mission of the Office of Student Financial Services (SFS) is to offer services and programs to students and parents/families funded through Federal, State, Private and Institutional sources. The primary goal of the Office is to provide eligible students with funds to finance their educational programs within the boundaries of Federal, State, Private and Institutional regulations. The focus of the Office is to help students and parents/ families develop an understanding of the need to be pro-active consumers of educational financing options and opportunities at Middlebury College.

The Office of Student Financial Services (SFS) consists of three functional areas: Financial Aid, Student Accounts and Educational Financing. Our responsibilities include financial aid matters, student account and educational financing issues, loan repayment and student employment functions. Information on the office's policies and procedures is available in the following pages and by calling the phone numbers listed in the Services section below.

Financial Aid

Concern about the cost of a Middlebury education should not prevent you from applying for admission. All aid at Middlebury is based entirely on financial need as determined by the Office of Student Financial Services. We do not offer aid on the basis of merit.

Middlebury is able to meet 100 percent of your assessed need with a combination of aid that typically consists of grant, loan, and work. Eligibility for financial aid is determined by an assessment of your family's income and assets to arrive at an Estimated Family Contribution. If your family's financial situation does not change, you will receive a similar aid package each year you attend Middlebury. You must submit a complete application each year if you wish to be considered for aid. Parents who are divorced or separated are both expected to submit income and asset information and contribute to college expenses to the extent that we determine they are able.

Financial information provided to the College is held in strict confidence, and no information about the amount of aid offered will be released without your approval.

COST OF A MIDDLEBURY EDUCATION

We base aid decisions on the total cost of an education at Middlebury, broken down as follows:

Comprehensive Fee (\$48,830): The comprehensive fee is the sum of tuition, room, and board for the academic year.

Student Activity Fee (\$380): The activity fee is required to help support student sponsored organizations and activities on campus.

Books (\$1,000): This is an estimate of your expenses for textbooks and supplies for the academic year. Your actual costs may differ depending on the courses you take and the availability of used books. You will need to bring money with you for your books when you first arrive at Middlebury.

Personal (\$1,000): This is an estimate of personal items, entertainment and clothing for the academic year. It is a conservative estimate, which will require careful budgeting on your part. Most students choose to use the income from their campus jobs to provide these funds.

Travel (variable): This figure represents our recognition that you will incur costs to get here for the Fall and to get back again for the Spring. Students generally use a portion of their summer earnings to pay this expense.

[information in the following sections updated July 2008]

U.S. AND CANADIAN APPLICANTS

Prospective Students

2008-2009 CSS PROFILE Form, available online at <http://profileonline.collegeboard.com/index.jsp>. Middlebury's **PROFILE**

code is 3526 .

Required if appropriate:

If your biological parents are divorced or separated, your noncustodial parent must go to <https://ncprofile.collegeboard.com> to complete the Noncustodial Parent's Statement.

If either parent or stepparent is self-employed or owns an interest of 10% or more in a corporation or partnership, they must complete a [Business/Farm Supplement](#) .

If student, parents, or other children are beneficiaries of an estate or trust, please provide the value, the terms and distribution information.

*If you decide to enroll at Middlebury, you must submit the following **by May 1:***

US citizens must submit the 2008-2009 Free Application for Federal Student Aid (FAFSA), available online at www.fafsa.ed.gov . Middlebury's FAFSA code is 003691.

Complete, signed copies of biological parent(s) and stepparent(s) 2008 federal income tax returns, including all pages, schedules, and W2s or T4s.

A complete, signed copy of student 2008 federal income tax return, including all pages, schedules, and W2s or T4s.

If either parent or student did not file a tax return for 2008, please submit a [Nonfiling statement](#) .

Required if appropriate:

If either parent or stepparent is self-employed or owns an interest of 10% or more in a corporation or partnership they must submit the 2008 Business return. For US students, if either parent or stepparent owns an interest of 10% or less in a corporation or partnership, please send the 2008 K1.

Current Students

2008-2009 CSS PROFILE Form, available online at <http://profileonline.collegeboard.com/index.jsp> . Middlebury's PROFILE code is 3526.

US citizens must also submit the 2008-2009 Free Application for Federal Student Aid (FAFSA), available online at www.fafsa.ed.gov . Middlebury's FAFSA code is 003691.

A complete, signed copy of custodial parent(s)/stepparent 2008 federal income tax return, including all pages, schedules, and W2s or T4s.

A complete, signed copy of student 2008 federal income tax return, including all pages, schedules, and W2s or T4s.

If either parent or student did not file a tax return for 2008, please submit a Nonfiling statement.

If either parent or stepparent is self-employed or owns an interest of 10% or more in a corporation or partnership they must submit the 2008 Business return. For US students, if either parent or stepparent owns an interest of 10% or less in a corporation or partnership, please send the 2006 K1.

Required if appropriate:

If your biological parents are divorced or separated, your noncustodial parent must go to <https://ncprofile.collegeboard.com> to complete the Noncustodial Parent's Statement. He/She must also submit a signed copy of his/her and his/her spouse's 2008 federal income tax return, including all pages, schedules and W2s or T4s.

If either parent or stepparent owns an interest of 10% or more in a corporation or partnership, they must submit the 2008 Business return. For US students, if either parent or stepparent owns less than an interest of less than 10% in a corporation or partnership, please send the 2008 K1.

If student, parents, or other children are beneficiaries of an estate or trust, please provide the terms and distribution information.

INTERNATIONAL APPLICANTS

Prospective and Current Students

2008-2009 International Student Financial Aid Application.

Statements in English from each parent's employer, listing gross income and benefits received January – December 2008.

Required if appropriate:

If your biological parents are divorced or separated, your noncustodial parent must complete the Noncustodial Parent's Statement.

LOAN ONLY APPLICANTS

Please note that if you are applying for financial aid, the Federal Stafford Loan information will be visible on BannerWeb. No separate application is necessary. If you are applying for just loans and not general financial aid, you should submit these materials between May 15 and July 15. If a loan application is received after July 15, the process may not be complete by the time the bills are due on August 15.

Federal Stafford Student Loan application materials:

[Federal Stafford Student Loan Request Form](http://www.middlebury.edu/admissions/finaid/loans) (for returning student borrowers; new borrowers must visit <http://www.middlebury.edu/admissions/finaid/loans>)

2008-2009 Free Application for Federal Student Aid (FAFSA), available online at www.fafsa.ed.gov. Middlebury's FAFSA code is 003691. A [Consortium Agreement](#) is also required if the student will be studying abroad at a Non-Middlebury program.

Parent PLUS loan:

Parent PLUS Loans have an interest rate of 8.5% and are repaid over a 10 year period of time. Parents have the right to choose any lender they wish to process their PLUS loans. A [Consortium Agreement](#) is also required if the student will be studying abroad at a Non-Middlebury program.

APPLICATION DEADLINES

Early Decision I	November 15, 2008
Early Decision II	January 1, 2009
Regular Decision	February 1, 2009
Current Undergraduates	May 1, 2009

SATISFACTORY PROGRESS

In compliance with federal financial aid regulations which, as of January 1, 1984, require all colleges to articulate a comprehensive statement of satisfactory progress, Middlebury has drafted a document outlining the criteria a student must meet in order to maintain his or her eligibility for Title IV funds. The complete statement is on file in the Office of Financial Aid and is available to any student upon request.

Title IV Federal Student Assistance programs include the Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, Federal Perkins Loan, Federal Work Study Program, Federal Stafford Loan, and Federal PLUS Loan.

Student Accounts

The annual comprehensive fee at Middlebury for 2008–2009 is \$48,830. This fee includes tuition, room in campus housing, full board in campus dining halls, and fees for certain campus services (such as the health center) that are provided to all students. The comprehensive fee covers fall semester, winter term, and spring semester; there is no reduction for a student who is not enrolled for winter term.

The student activities fee, \$380 for 2008-2009, supports the extracurricular activities open to all students that are sponsored by student-run organizations officially recognized by the Center for Campus Activities and Leadership. A portion of the activities fee also supports the programs of the residential Commons System to which all students belong.

Entering students are asked to designate a financial contact for the duration of their studies at Middlebury. For most students,

this will be their parents or other relatives who serve as their guardians. The College bills students and their financially responsible parties for the comprehensive fee and student activities fee twice a year. The first bill, for half of the fees (for 2008–2009: \$24,605), is mailed on July 15 and is due August 15. The second bill is mailed on December 15 and is due January 15. The comprehensive fee appears on bills as a single charge. There is no itemization of tuition, room, or board.

Students who have received permission from the dean of the College to live or eat off campus are entitled to room credits of \$1,575 per semester and board credits of \$1,575 per semester. The dean of the College may also permit students who are absent from College dining halls for two or more consecutive weeks during the fall or spring semester (due to illness, or death of a family member, for example) to receive a partial board credit of \$80 per week, up to a maximum of \$720 per semester. These credits appear on the comprehensive fee bills and reduce the net-billed amount owed.

[updated 21-July-2008 to indicate credits apply to fall and spring semesters, and to provide examples of absences]

Comprehensive fee bills also reflect credits for those portions of a student's financial aid offer (College Grant, College Loan, Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, Federal Perkins Loan, Federal Stafford Loan) that have been finalized before the billing date. Please see the separate "Financial Aid" section of this catalog for further information on Middlebury's financial aid policies and procedures.

The net billed amount owed (after room and board credits and financial aid credits are applied toward the comprehensive fee, as described in the preceding paragraphs) is due in full by the stated due date. Failure to remit payment by the due date can result in late payment charges. An initial late payment fee of \$250 will be assessed each semester on any past due account.

The College does not offer installment payment plans directly. However, ten month payment plans are available to Middlebury students and their families through FACTS Management, an outside agency that administers these plans for the College. Second semester plans are available for students entering or returning in spring semester. Fall semester plans normally begin on June 1 and second semester plans on November 1. Please call FACTS (800.863.2287) or Student Accounts (802.443.5374) at Middlebury for additional information.

Students enrolled for either fall or spring semester only, including first-year or transfer students entering in February, are billed one-half of the annual comprehensive fee. There is no reduction in the comprehensive fee for students enrolled for fall or spring semester who are not enrolled for winter term.

The College offers student sickness insurance coverage through Koster Insurance Agency. The annual premium for this coverage for 2007–2008 was \$899. A brochure describing this coverage is mailed in the summer. If a student is adequately covered by an existing family health insurance policy, the parents or guardians may choose not to purchase the College's sickness insurance coverage. The campus health center services are available to all students, even if their parents or guardians do not purchase the College sickness insurance. Second semester sickness insurance is available for students entering or returning in spring term. Middlebury students who are on leave studying at another college or university in the United States are not eligible for the College's sickness or accident insurance. These students should apply for insurance coverage to the school they are attending.

SPECIAL STUDENTS

The comprehensive fee applies to a course load of three, four, or five courses for a fall or spring term. Students who wish to register for only one or two courses for a fall or spring term may do so with permission from the Administration Committee. These students are designated as special students and are expected to live and eat off campus. Special students are billed at the per course rate of \$4,770 for 2008–2009. This same per course rate applies to graduate students in the sciences. Students participating in the ninth semester teacher education program are charged \$4,770 for the semester in which they are student teaching; financial aid is available for students in this ninth semester program based on financial need.

In cases with special circumstances, the Administration Committee may grant permission for special students to live and eat on campus. These students are billed the customary comprehensive fee for the term, less the per course rate for one course, as that is the only distinction between these students and those taking three courses during the term.

STUDY ABROAD

The College maintains several Middlebury schools abroad—for the study of Arabic in Alexandria, Egypt; Chinese in Hangzhou, China; French in Paris and Poitiers; German in Berlin and Mainz; Italian in Florence and Ferrara; Portuguese in Niteroi and Belo Horizonte (in Brazil); Russian in Moscow, Irkutsk, and Yaroslavl; and Spanish (in Spain) in Madrid, Getafe, Logroño, and Segovia, and (in Latin America) in Argentina, Chile, Mexico, and Uruguay—to which undergraduates may apply through International Programs and Off-Campus Study. The College bills students participating in the Arabic, French, German, Italian, Portuguese, and Spanish programs for tuition only. For 2008–2009 tuition for these programs is \$8,950 per semester. Students do not pay room and board directly to Middlebury for these programs, with the exception of German room rent for students who choose to live in university dormitories in Berlin or Mainz. Further information on living and eating options for these programs is available from International Programs and Off-Campus Study. For the programs in Moscow, Irkutsk, and Yaroslavl, the College bills a modified comprehensive fee that includes tuition, room, partial board, visas, and excursions. For 2008–2009 this fee for Moscow or Irkutsk is \$13,100 per semester; for Yaroslavl this fee is \$11,800 per semester. For the program in China, the fee is \$13,830 per semester; this includes tuition, visas, health insurance, orientation, excursions, textbooks, and shared dormitory room with a Chinese roommate.

Financial aid credits are applied toward C.V. Starr-Middlebury Schools Abroad tuition bills in a manner similar to that described previously under "Comprehensive Fee." Payment plans administered by the College's outside agency FACTS Management are also available for C.V. Starr-Middlebury Schools Abroad tuition as described under "Comprehensive Fee." The College mails the fall term bill on July 15 (due August 15) and the spring term bill on December 15 (due January 15).

All students studying abroad for academic credit on a Middlebury or an approved non-Middlebury sponsored program are billed a study abroad administrative fee. For 2008–2009, this fee is \$1,050 per semester.

Students should consult the Study Abroad Guidelines from International Programs and Off-Campus Study for more details on the availability of financial aid for specific non-Middlebury programs. Questions about the process of applying for and receiving aid for approved programs can be answered by the Student Financial Services staff at 802.443.5158.

Students participating in the Associated Kyoto Program (AKP) in Japan or in the University of Nottingham or University of East Anglia exchange in England are billed the standard Middlebury comprehensive fee applicable to the terms they are enrolled in AKP, Nottingham, or East Anglia. The study abroad administrative fee, AKP, Nottingham, and East Anglia billing and due dates are the same as those for the comprehensive fee described previously.

Sickness and accident insurance coverage is offered to students studying abroad with the C.V. Starr-Middlebury Schools Abroad. The premium for this coverage for 2007–2008 was \$549. A brochure containing an application form for this coverage is distributed to each student accepted for study abroad. These brochures are also available in International Programs and Off-Campus Study. Premiums are to be paid directly to the insurance agent at the address in the brochure, not to the College. *[section updated 4-Sep-2008; references to 'Office of Off-Campus Study' changed to 'International Programs and Off-Campus Study']*

OTHER ACADEMIC FEES AND EXPENSES

An administrative fee of \$100 is billed to students for each 555 course approved by the Administration Committee.

A fee of \$150 is billed to students who repeat the General Examination or resubmit a thesis while not enrolled at the College.

Students taking lessons in practical or applied music are billed the standard fee for private instruction. In budgeting for a year's expenses at Middlebury, students and their parents or guardians should also consider the additional personal expenses students normally incur, which are not billed directly by the College. The Student Financial Services Office estimates that for 2008–2009, the average student's expenses for books, supplies, and other personal items amounts to \$2,000. Travel costs during the year between a student's home and Middlebury must also be taken into consideration beyond this estimate.

ENROLLMENT DEPOSITS

Entering first-year or transfer students pay a \$200 enrollment deposit at the time they accept the Admissions Office's offer of admission to the College. This deposit is applied as a credit to the comprehensive fee bill for the first term the student attends Middlebury. The deposit is not refundable.

SUMMER PROGRAMS

Middlebury offers three summer programs of study to which undergraduates enrolled during the regular College year may apply by contacting the appropriate summer program offices on campus. Admission to a summer program is separate from admission to Middlebury College as an undergraduate. Please contact the offices of the Language Schools, the Bread Loaf School of English, or the Bread Loaf Writers' Conference for detailed information on their programs' application procedures.

Fees for summer can be found at http://www.middlebury.edu/academics/lis/dates_fees/.

Applying for financial aid for the summer programs is also a separate process from Middlebury College undergraduates. The financial aid application is available online or after November 1st.

The application can be found at http://www.middlebury.edu/admissions/finaid/how_to_apply/.

Financial aid credits are applied toward summer program bills, in a manner similar to that described previously under "Comprehensive Fee." The College mails summer session bills on May 1 for the Language Schools and the Bread Loaf School of English, and on June 1 for the Bread Loaf Writers' Conference. The net-billed amount owed (after financial aid credits) is due in full before the first day students are scheduled to arrive to begin their particular session. Due to the brief period of time the summer programs are in session, no payment plans are available through the College or its outside agency.

REFUNDS

Credit Refunds

Occasionally, a combination of payments, financial aid credits, or room and board credits creates a net credit balance on a comprehensive fee account. The credit balance is normally left on account to be applied toward the next term's charges for the student. Parents or guardians may also request that a refund check for the credit balance be issued to them as the financially responsible party. If parents or guardians wish to have the refund check issued directly to the student or to have the credit balance applied to the student's miscellaneous charge account, these instructions need to be received in writing from the financially responsible party.

Withdrawal Refunds

In cases of dismissal from the College, no refund of the comprehensive fee is made. In other cases of absence or withdrawal from the College for medical reasons or serious emergencies, fees are refunded according to the schedule below. In all cases, the enrollment deposit is forfeited.

If the withdrawal occurs:	Middlebury refunds
before the first week of the semester	100% of comprehensive fee
during the first week of the semester	90% of comprehensive fee
during the second week of the semester	50% of comprehensive fee
during the third week of the semester	50% of comprehensive fee
during the fourth week of the semester	25% of comprehensive fee
during the fifth week of the semester	25% of comprehensive fee
during the sixth week of the semester	25% of comprehensive fee
during the seventh week of the semester	25% of comprehensive fee

The College will remit approved refunds by check to the party financially responsible for the student's account. To the extent any authorized refund represents in whole or in part the proceeds of any federal financial aid (Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, Federal Perkins Loan, Federal Stafford Loan), the amount of the refund to be returned to each of these programs, as well as to the financially responsible party, is based on the applicable federal refund formula as required by law. The applicable portions of such refunds are returned directly to the sources from which the funds were originally received: the federal government or the financially responsible party.

The College offers optional tuition refund insurance through the Tuition Refund Plan administered by A.W.G. Dewar. The annual premium for this coverage for 2008–2009 is \$320. A brochure and application form for this insurance is enclosed with the comprehensive fee bills mailed in July. Second semester tuition refund insurance is available for students entering or returning in spring term. Premiums are to be paid directly to Dewar, not to the College. Please contact Dewar (617.774.1555) for further information.

RIGHTS AND RESPONSIBILITIES

The College reserves the right to change, if necessary, any charges or fees quoted in this publication.

The College assumes no responsibility for loss of student property through fire, theft, or disappearance.

The College issues an academic transcript of record on request to students wishing to transfer or to receive a statement of their course credits for any other purpose. The first transcript copy is provided free of charge. A fee of \$5 is charged for each subsequent copy provided. No fee is charged for transcripts submitted to any branch of the military. The Office of the Registrar will not release a transcript for any student who owes past due charges to the College until satisfactory arrangements have been made with the Controller's Office. Students may not receive final grades or diplomas nor expect honorable dismissal from the College upon completion of their studies until all financial accounts are settled.

Students who wish to be eligible to register for courses in November or May for the subsequent semester or to draw a room in April for the subsequent year need to ensure that all of their financial accounts are current. Any past due charges on a student's account must be settled in full. Students who have dean's loans also need to ensure that their loan payments are current.

Students assume full ultimate responsibility for payment of their accounts, including any other fees charged to their accounts. Should the College have to refer any delinquent account balance to a collection agency once a student is no longer enrolled at the College, the student will then also become liable for any additional collection agency or legal fees incurred by the College to collect the delinquent account.

Educational Financing

Families may choose to finance the cost of a Middlebury College education over a number of years through parent and student loans, including educational and personal loans. Recent legislation has affected the tax deductibility of interest on qualified education loans, so we encourage you to consult your tax advisor for further information.

Federal Perkins Loan: This Federal loan will allow you to borrow up to the amount we suggest at a 5 percent interest rate. The interest on the loan is subsidized by the federal government while you are in school, and does not begin to accrue until you begin repayment nine months after you graduate or cease to be enrolled at least half time. You will be automatically considered for this loan when you apply for aid from the College.

Stafford Loan - Subsidized: This Federal loan has a fixed interest rate of 6.0%. The interest on the loan is subsidized by the Federal government while you are in school and does not begin to accrue until you begin repayment six months after you graduate or cease to be enrolled at least half time. You have the option to use a lender of your choice.

Stafford Loan - Unsubsidized: This loan is similar to the subsidized Stafford Loan described above, except that the Federal government does not subsidize the interest while you are in school. You may either pay the interest quarterly or let it accrue while you are in school.

College Loan: This loan source is offered only as part of a financial aid package. The terms are similar to the Federal Perkins Loan. This loan is offered in circumstances where a federal student loan is restricted due to citizenship or need calculation.

Parent Loan for Undergraduate Students (PLUS): Federal PLUS loans have an interest rate of 8.5% and are repaid over a ten year period. You may use any PLUS lender you wish.

Services

The Student Financial Services staff can answer questions on financial aid, billing, fees, account balances, refunds, and payment plans. With proper identification (student ID card), the Cashier's Office located at the front of the second floor of the Service Building, will accept payments on student accounts and will also cash traveler's checks and checks from parents or guardians made payable to the student for amounts up to \$100. Students should cash their own personal checks at the local bank where the account is maintained. With proper identification (student ID card), students may cash accounts payable or student payroll checks issued by the College at the local banks where the College maintains the accounts on which the checks are drawn. It is not possible to cash College-issued checks at the Cashier's Office.

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Middlebury

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Athletics

Middlebury College Athletics Mission Statement

Athletics are an essential part of the overall educational experience at Middlebury College. The College endeavors to provide athletic programs that are comprehensive and varied while offering athletic opportunities to all students. The Department of Physical Education and Athletics is committed to the following: a physical education/wellness program that stresses good health, physical fitness, and lifetime activities; a vigorous intercollegiate sports program that strives for achievement and excellence; an intramural program that encourages students of varied abilities and skills to participate in a wide range of recreational athletic activities; and a club sports program that offers opportunity for intercollegiate competition in a less structured environment.

A. The Intercollegiate Athletics Program

1. All regularly enrolled undergraduates are eligible for participation in intercollegiate athletics in accordance with the eligibility rules of the following organizations in which Middlebury maintains membership: National Collegiate Athletic Association (NCAA), the New England Small College Athletic Conference (NESCAC), and Eastern Collegiate Athletic Conference (ECAC).

2. **Faculty Responsibility:** The College recognizes that intercollegiate athletics have an important and desirable role in a liberal arts college. The faculty is responsible for seeing that the intercollegiate athletic program is a well-integrated part of the entire educational endeavor. Through the Athletic Policy Committee, the faculty regulates various phases of the intercollegiate athletic program, including athletic schedules and class absences permitted for participation in intercollegiate athletics.

3. The Basic Principles governing intercollegiate athletics at Middlebury and all NESCAC institutions follow:

a. The program in intercollegiate athletics is to be kept in harmony with the educational purposes of the institution.

b. To maximize opportunities for students to participate in more than one intercollegiate sport and to keep the proper perspective on the role of athletics, limitations are placed upon the number of contests, as well as the starting and terminal dates for practice and competition.

c. Competing players are to be representative of the student body.

d. The academic authority of the College is to control intercollegiate athletic policy.

e. Developing programs will be allowed some latitude within the spirit of the NESCAC Agreement.

4. The routine administration of rules regarding intercollegiate policy, as they apply to students, shall be the responsibility of the director of athletics in consultation with the Dean of the College.

5. In an effort to provide opportunities for wide participation in intercollegiate athletics, Middlebury maintains, where possible, a junior varsity program, for which all undergraduates are eligible. No student will participate in more contests in any sport than the total number of varsity games scheduled. The Athletic Policy Committee must approve any exceptions to this general rule.

6. **Limitations of Schedules:** Competition (in season) starting dates:

Fall: No scheduled contests prior to seven calendar days after the start of classes or the second Saturday in September, whichever comes first, or after the second Saturday in November.

Winter: No scheduled contests prior to the Friday preceding Thanksgiving or after the first Sunday in March.

Spring: No scheduled contests prior to the second Saturday in March or after the second Saturday in May.

7. **Limitations on Number of Playing Dates or Events (not including qualifying tournaments or alumni games):** The institution should determine the optimum number of playing dates or contests, which may be fewer than the maximum number allowed under conference regulations.

Fall	Varsity	Scrimmage Dates	JV
Cross-Country	9 dates	1	-
Field Hockey	14 dates	2	7
Football	8 games	1	6
Soccer	14 games	2	7
Volleyball	14 dates	1	-
Tennis#	14 events	0	-
Golf#	12 dates	0	-

Fall and/or spring combined total not to exceed one season limit

Winter	Varsity	Scrimmage Dates	JV
Basketball	24 games*		
Hockey	24 games*	0	12
Indoor Track	10 events	0	-
Squash	15 events	1	-
Swimming	10 events	1	-
Skiing	16 days of competition for each competitor		

* Including preseason scrimmages and vacation games

Spring (while College is in session)	Varsity	Scrimmage Dates	JV
Baseball	16 dates/24 games	0	-
Softball	16 dates/24 games	0	-
Lacrosse	11 dates	2	6
Track and Field	8 events	0	-
Tennis#	14 events	0	-
Golf#	12 events	0	-

Fall and/or spring combined total not to exceed one season limit

Notes

a. No home athletic contests shall be played before 3:00 p.m. except on Saturdays, Sundays, and holidays or by special permission of the Athletic Policy Committee and the dean of the College. No intercollegiate athletic contests shall be scheduled for Monday evenings. Refer to Chapter 3, Section VI. G. Attendance of this handbook for the "Guidelines for Explained Absences" revised and approved by the Athletic Policy Committee in January 2002.

b. The Athletic Policy Committee encourages the scheduling of JV athletic contests for Saturdays.

c. The total number of B or JV athletic contests and the number of away games are subject to continual review by the Athletic Policy Committee.

d. Throughout the college year, those days following the end of formal classes but before the beginning of the formal examination period, will be considered as class time for purposes of scheduling intercollegiate athletic competitions. No regular-season athletic events may be scheduled during the examination period.

e. All candidates for athletic teams must be given a physical screening at the beginning of each season, and no candidate may be a member of any team without a certificate of his or her physical qualifications.

f. The College does not assume legal responsibility for the expense in caring for injuries sustained by athletes while training for or participating in athletic competition or intramural activities.

8. Practice Regulations: Practice Session Starting Dates

The starting date for practice shall be in accordance with the number of practice opportunities as defined by NESCAC or NCAA regulations and stipulated below. **Students are not expected to miss class for practice.**

Fall: a. *Football:* The starting date for pre-season practice will be in accordance with NCAA bylaws, but will be limited to 23 practice opportunities. b. For all other fall sports the starting date for pre-season will be determined in accordance with NCAA bylaws, but will be limited to 13 practice opportunities counted back from the first scheduled contest, except where a specific date has been set by the NCAA.

Winter: November 1 in all sports

Exception: Effective as of May 2005, Nordic Skiing will begin practice on the first Monday of October. Alpine Skiing may begin or continue when snow is available before November 1 or after the last meet of the season. The length of the season shall not exceed nineteen (19) weeks.

Spring: February 15 in all sports

9. Guidelines for Out-of-Season Activities

NESCAC institutions support all students in their desire to engage in activities that promote health and fitness. This support includes students participating in intercollegiate athletics. Activity out of season is viewed positively so long as it abides by NESCAC regulations.

NESCAC rules state that "out of season practice is banned in all sports. Out of season is defined as dates not inclusive in the period designated in Sec. III.C.1 [of the NESCAC Manual] as the practice starting dates and last conference approved contest of that athletic season." Additionally, "captains may not conduct organized practices or competitions out of season. On-field/on-court activities called by any member of a team and confined primarily to members of that team are not permissible." The following guidelines have been developed to assist member institutions in the implementation and application of the Conference policy banning out of season practice. They must be communicated by the director of athletics to all coaches and captains on an annual basis and to team members annually by the respective coaches.

- Specific Guidelines

All out of season activities must be **completely voluntary**. There can be no scripting of activity, no attendance taken, no reporting to the coaching staff, no implication that participation will affect an athlete's chances of being named to a team, and no involvement of any kind by any member of the coaching staff.

Insurance policies written to provide coverage for accidents occurring from intercollegiate athletics may only cover accidents which occur when students participate in events that are permitted as an in-season activity under NESCAC guidelines. Also, students injured in out-of-season activities will not be covered by NCAA catastrophic injury insurance.

Team captains and members may not conduct practices on or off campus. If a pick up game is open to the rest of the student body, team members may show up to participate. Pick-up games may not contain drills. A majority of those participating may be team members, but no one may discourage or prevent participation by other students.

Facilities may not be reserved for a team activity out of season. In a multipurpose facility (i.e., field house) this rule would not preclude scheduling of activity limitations for safety reasons. In such instance, however, use may not be restricted to varsity candidates and must be open to all members of the student body. Procedures established for the general college community must be followed in the scheduling of such facilities.

Neither on- nor off-campus facilities may be rented or reserved for a team activity out-of-season.

Students may not use or be issued college-owned apparel or equipment out of season, unless it is available to the college community in general.

Voluntary strength and conditioning programs are permitted. Coaches may design voluntary workout programs for their players. Sport coaches are not permitted to require, direct, or supervise these activities out of season. Strength and conditioning personnel may monitor voluntary individual workouts for safety purposes.

There are to be no contests or scrimmages by teams against outside competition out-of-season.

Violations of this policy will be handled according to established conference guidelines and may result in penalties or sanctions against individuals and/or teams.

B. Post-season Competition

In post-season competition, Middlebury College is guided by the New England Small College Athletic Conference (NESCAC) Agreement. This conference, consisting of Amherst, Bates, Bowdoin, Colby, Connecticut College, Hamilton, Middlebury, Trinity, Tufts, Wesleyan, and Williams, has agreed:

1. Any type of post-season competition is to be understood as exceptional, and the decision about whether to participate lies wholly within the jurisdiction of each member institution. Furthermore, post-season competition for individuals and teams is permitted only if the post-season event appears on the list of NESCAC Sanctioned Qualifying Tournaments and Post-season Events for Men and Women. The following specific guidelines should further inform any such decision:

a. Any type of post-season competition for individual performers is permitted. Sports in this category are cross country, golf, swimming & diving, tennis, and track & field.

b. All teams (except football) are permitted to participate in one season-ending championship event deemed appropriate, normal an NCAA Division III event. (*Effective: 9/10/07; Adopted 4/26/07*)

2. Participation in All-Star games will be permitted only under the following guideline:

Participation is an individual effort making no demands on other team members or coaches.

C. Recruiting Activity of the Department of Physical Education and Athletics or Athletic Representatives

1. A member of the department may visit a secondary school, public or private, only on specific invitation from an appropriate authority at that school and for the purpose of being present at, or speaking at, a banquet or an assembly to present awards or a similar scheduled function.

2. The institution will pay only those traveling expenses for coaches incurred in carrying out regular coaching duties, in accepting invitations to speak at schools as described in 1 above, or to speak at or attend other appropriate meetings.

3. No member of the athletic department, or athletic representative, may visit prospective students (or prospects' relatives or legal guardians) in their homes or otherwise seek private interviews with them off campus.

4. Only officially appointed admissions staff members are authorized at any time to make promises or commitments to prospective students as to admission, scholarship, or campus employment.

5. Group Admissions Meeting Guidelines

a. It must be sponsored by the institution or an alumni group.

b. It must be open to all prospective students and announced as a function of the sponsoring group.

c. Expenses may not be paid from athletic department funds.

d. All athletic staff members are prohibited from attending, organizing, or administering any off-campus meeting for the purpose of recruiting student athletes.

6. Neither the College nor its organized alumni athletic associations may pay the travel costs of prospective students to the campus for the purpose of athletic recruitment.

D. Financial Aid Awards

Financial aid must be awarded by or with the specific approval of the regular academic authority of the institution. Financial aid to students shall be determined solely on the basis of need as computed and controlled by the Office of Financial Aid. Financial assistance may be offered in writing only by the Office of Financial Aid and not before the student has been admitted.

E. Club Sports Program

Club sports offer opportunities for competition where no varsity options exist. Any student seeking club sport status in areas where a varsity sport exists will not be recognized. Competition in these areas may be pursued through the intramural program.

a. Approval for new club sport recognition is contingent upon the availability of appropriate facilities, storage, and staff oversight. Approval given to a new club sport does not automatically guarantee funding.

1. General Procedures and Guidelines for Club Sports

a. In order to use the name of Middlebury College, club sports must comply with the following regulations:

i. They must receive approval of a constitution from the Constitution Committee of the SGA through the Center for Campus Activities and Leadership. A constitution does not guarantee funding. The Finance Committee will not contribute funds for compensating staff positions (i.e., stipends to coaches of club sports), operating facilities, capital projects to support club sports, or overnight accommodations.

ii. Participants must be regularly enrolled undergraduates.

- iii. Club sport teams involved in intercollegiate competition must adhere to College, NESCAC and, where applicable, NCAA policies.
- iv. Participants must conduct themselves in a manner that will reflect positively on the College.
- v. A coach is required for contact and water sports. Contracts and wages must be negotiated and authorized by the director of club sports in consultation with the director of athletics and the director of human resources.
- vi. Club sport teams must make arrangements with the director of club sports for the use of athletic facilities and properties of the College at times when they are not otherwise needed by the Department of Physical Education and Athletics.
- vii. Before competition begins, or within 10 days of a request, budgets, schedules, updated rosters, etc., must be submitted to the director of club sports.
- viii. Club sport schedules must have the approval of the director of club sports.
- ix. Club sport teams must notify the director of club sports prior to canceling, postponing, or rescheduling a scheduled contest.
- x. Club sport teams must provide adequate protective equipment and pre-season medical screenings, arranged through the Department of Sports Medicine, for all strenuous and/or contact sports.
- xi. Club sport teams must provide safe and adequate means of travel and housing and be approved by the director of club sports.
- xii. College travel forms and releases must be completed with the appropriate coach or director of club sports before private vehicles are used to transport participants to away matches.
- xiii. See "Vehicle Rentals" policy in the College Handbook for policies and procedures regarding use of College or rental vehicles.
- xiv. Where appropriate, must have SFAPS/CPR-trained personnel in attendance at all games and practices scheduled when the training room is not staffed.
- xv. Club membership does not entitle a student to class excuses.

b. Fund-raising by club sports is limited to on-campus efforts and is subject to Finance Committee Guidelines. (*see Fund-Raising policies and information in the College Handbook sections on Student Conduct and Residential College Facilities Policies and Procedures*) No group may solicit alumni and friends of the College for money to support club teams without permission of the director of club sports in consultation with the director of athletics, the director of campus activities and leadership and the College Advancement office. If permission has been received, those solicitations will be limited to sales and services with group mailings organized through the Center for Campus Activities and Leadership at specific intervals. Direct solicitation of funds is prohibited.

c. Violations of any of the above procedures will subject the group to loss of club status and the individuals to disciplinary action by the College.

2. Levels of Club Sports at Middlebury College

a. Level I

- i. SGA and club dues provide funding for equipment and uniforms. The Athletics Department will provide funding for transportation and coach's salary.
- ii. The club will have a coach for supervisory and/or safety purposes. The coach will be salaried through the Athletics Department and other College approved sources. The coach will be hired and evaluated by the director of club sports. The coach may not be a student.
- iii. The club must be affiliated with a national/regional governing sports body.
- iv. The club sports director in conjunction with the facilities coordinator must approve all club match/game schedules.
- v. Games/matches should be confined to a 400-mile radius--further only at the club sport director's discretion.

vi. Athletics department will provide practice and game space after scheduling varsity programs needs.

vii. Recruiting activities limited to responding to prospective student inquiries only.

b. Level II

i. SGA club dues or other approved college sources will be the means of financial support at this level. There is no athletic funding for clubs at this level.

ii. There are no paid coaches/advisors and coaches/advisors are not required except where safety is an issue -as determined by the club sport director and/or director of CCAL.

iii. The club sport director must be consulted regarding the use of athletic facilities and all events will be scheduled through the facilities coordinator. This will happen only after the level I groups needs are met.

iv. SGA and CCAL oversee scheduling and travel.

c. Level III

i. There is no expectation for funding from regular College sources.

ii. There are no paid coaches and coaches/advisors are not required except where safety is an issue-as determined by the club sport director.

iii. Athletic facilities will be provided only after all demands for departmental needs are satisfied.

d. The following is a list of guidelines indicating the requirements that must be met for a club to move from one level to the next. Only special circumstances will permit a club to advance skipping a level.

i. Level I to varsity sport status

- The introduction of "new" varsity sports at Middlebury should not be anticipated by any group.

- Full funding to cover all coaching, travel, officials, equipment and other related costs must be available within the Athletics Department budget or approved by appropriate College officials.

- The program must show proof of at least a three-year period of sufficient student interest to insure a continuing program, but such proof should in no way be assumed to make varsity status inevitable. The activity must be defined as an emerging conference (NESCAC) or national (NCAA) sport for at least 3 years.

- Proof of feasibility of scheduling "natural rivals" must be provided. 75% of the other schools in the conference the club will compete in must have varsity status (to assure varsity competition availability)

- Adequate facilities for practice and contests must be available without handicapping any existing programs sponsored by the Department of Athletics.

ii. Level II to I

- Demonstrate the ability to meet all requirements expected at level I

- There must be continued student support for 3 successive years.

- All schedule obligations must have been met during this time period (no forfeits).

- There can be no disciplinary incidents during that 3-year time period.

- There must be availability of facilities to accommodate the program without handicapping any existing programs sponsored by the Department of Athletics.

iii. Level III to II

- Demonstrate the ability to meet all requirements expected at level II
- There must be continued student support for 3 successive years.
- All schedule obligations must have been met during this time period (no forfeits).
- There can be no disciplinary incidents during that 3-year time period.
- There must be availability of facilities to accommodate the program without handicapping any existing programs sponsored by the Department of Athletics.

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Faculty Handbook

Rules of Appointment and Tenure for Academic Faculty

These rules were approved by the faculty in spring 2001 and amended in spring 2002.

1. General Provisions

a. Purpose

The Rules of Appointment and Tenure set forth the regulations and the procedures affecting appointments of the instructional faculty of Middlebury College. These criteria and procedures apply to the Council on Reviews (consisting of the Reappointments Committee and the Promotions Committee), to the president, and to all academic departments and programs at Middlebury College, and are the only criteria and procedures that may be required as conditions for appointment, reappointment, and promotion. Because its judgment is central to general educational policy, the faculty has primary responsibility (exercised through the Council on Reviews, academic departments and programs, and individual faculty members) to make recommendations for appointment. The president normally follows the recommendation of the Reappointments Committee or the Promotions Committee. In cases where the president does not follow the recommendation of the Reappointments Committee or the Promotions Committee, the president's reasons will be communicated to the committee and will be stated in the review file.

b. Principles

i. Teaching. Middlebury College expects to appoint to the faculty men and women of exceptional promise and achievement as teachers and as scholars or artists, who will help students to grow and to develop habits of lifelong learning, critical inquiry, and lucid communication.

As a residential liberal arts college, Middlebury views teaching from a broad perspective that extends beyond the activities in classrooms, laboratories, studios, and recital halls. Advising students, providing guidance for independent projects, and the careful evaluation of student work are important components of a faculty member's responsibilities. Public lectures, presentations, or performances also contribute to teaching at Middlebury.

ii. Scholarship. Middlebury believes that a faculty actively engaged in scholarship enriches the intellectual climate of the College. The mastery of new knowledge or skills, including those outside of the faculty member's own discipline, is valued as a contribution to the intellectual life of the College; however, the quality of a faculty member's scholarship is evaluated primarily through his or her published, performed, or executed works. Scholarly achievement that is recognized as of significantly high quality by scholars or artists beyond Middlebury College is a prerequisite for promotion to tenure.

iii. Service. The Middlebury faculty has a vital role to play in sustaining the intellectual climate of the College outside the classroom, in governing the College, and in extending the impact of the College beyond the bounds of the campus. Beyond teaching and scholarship, the service roles played by individual faculty members include departmental, program, and committee responsibilities, activities with student organizations, participation in admissions or alumni activities, and other activities that benefit Middlebury College.

iv. Academic Freedom. Adapted from the 1940 "Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors:

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

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

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities and (2) a

sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

(b) Principles. The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his or her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his or her subject, but should be careful not to introduce into his or her teaching controversial matter which has no relation to the subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

College or university teachers are citizens, members of learned professions, and officers of an educational institution. In speaking or writing as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not institutional spokespeople.

c. Faculty Appointments

i. Regular and Term Appointments. Both term and regular appointments may be offered at any faculty rank. Regular appointments are renewable and subject to the Review and Reappointment procedures described in subsections 1.e. and 1.f. below. Faculty on regular appointment normally pass through a probationary period whose length may vary with prior service elsewhere, during that time undergoing one or more reviews that will evaluate, both for the faculty member and for the College, the progress they have made in developing the qualities that may lead to appointment without limit of tenure.

Term appointments are either for specified terms only, or renewable, but faculty on term appointments are not eligible for tenure. Whether a faculty position is to be a regular or term appointment shall be determined by the president, with the advice of the Educational Affairs Committee, prior to the filling of the position. Any change from a term to a regular appointment must be initiated by the appropriate department chair, recommended by the EAC, and approved by the president. A faculty member who holds a regular Middlebury faculty appointment cannot be appointed after the first review to a full-time faculty position outside of rank. Faculty appointments are considered to be in rank when they use the following titles:

(a) Instructor: Normal rank for faculty who have not completed the Ph.D. degree or equivalent terminal degree. The completion of the degree normally leads to promotion to Assistant Professor without a review by the Council on Reviews.

(b) Assistant Professor: Normal rank for faculty who have completed a terminal degree, but who have not been reviewed for and appointed to tenure.

(c) Associate Professor: Normal rank for first appointment with tenure.

(d) Professor: The rank awarded to faculty who have passed the post-tenure review described in 1.f.iv. below, or whose initial appointment, based on accomplishment elsewhere, is at the rank of professor.

ii. Special Appointments. Individuals with special appointments normally do not follow the schedule of reviews and promotions of regular faculty. Special appointments may be either assigned one of the faculty ranks above, or be outside of rank, that is, holding only the title designating the position. Special appointments do not carry tenure and are not subject to the review and reappointment procedures described in subsection 1.e. However, faculty members on renewable special appointment are subject to periodic contract reviews by the Reappointments Committee, as specified in subsection 3.f., below.

(a) Lecturer: Renewable full- or part-time term appointments to fulfill specialized teaching responsibilities. Lecturers are appointed outside of rank.

(b) Assistants in Instruction: Full- or part-time renewable term appointments to fulfill specialized functions falling short of normal faculty responsibilities. Assistant appointments are made outside of rank.

(c) Visiting Appointments: Visiting appointments are term appointments that normally are offered to faculty for relatively short terms, or on a continuing part-time basis. Visiting appointments may be made in or outside rank, may be renewable appointments, and may be converted to regular appointments under the provisions specified above.

(d) Adjunct Appointments: Adjunct appointments are part-time term appointments that may be made at any rank and may be renewed. Adjunct appointments normally are offered to individuals whose major professional responsibilities lie outside teaching.

(e) Physical Education: Faculty in the Department of Physical Education receive renewable term appointments in rank, and are subject to the review procedures as outlined in the contiguous section "Reviews for Physical Education Faculty". Physical

Education Faculty appointments are considered as such when they use the following titles:

i. Instructor in Physical Education – This is the normal starting rank for coaches who have limited coaching background. Term contracts are issued for one or two years.

ii. Assistant in Physical Education – This is the normal rank for Head Coaches and Program Directors, who possess significant coaching and/or program experience. A Masters degree is preferred, (but not required). The rank is granted to coaches who show the promise of superior coaching and teaching ability based on previous coaching and/or program experience. Coaches in this rank will generally be offered a three-year contract, and upon successful reviews, a second three-year contract.

iii. Associate in Physical Education – This is the normal rank for coaching faculty who have demonstrated superior coaching and teaching ability, and after a major review are appointed to a renewable five-year contract. A Masters degree is preferred.

iv. Senior Associate in Physical Education – This is the rank awarded to coaching faculty who have undergone a major contract review during the tenth year as an Associate and continue to demonstrate superior coaching and teaching ability. A faculty member with a Senior Contract will be granted a renewable seven-year contract.

(f) *Administrative Appointments*: Senior College administrators whose major professional responsibilities are in support of the instructional program may be granted faculty rank.

iii. **Associate Appointments**. Associate appointments are regular faculty appointments in rank which normally carry no more than one-half the normal College teaching responsibility. Associates have all the rights, responsibilities, and privileges of their rank, including tenure for associates at the rank of associate professor or professor. (See section a. in *Special Provisions of Appointment* for procedures and conditions.)

iv. **Appointments and Voting Rights**. All faculty on regular appointment, regular faculty with associate status, senior College administrators with faculty rank, full-time teaching faculty with special appointments, assistants in instruction, and part-time faculty on term appointments, except for adjunct faculty may vote.

v. **Appointments and Committee Assignments**. Faculty members on regular, full-time term, and associate appointment are eligible for assignment or election to all faculty committees and councils, provided any conditions for membership are met. Faculty on special appointment, with the exception of members of the Department of Physical Education, are not eligible for membership on the Faculty Council. Membership on the Reappointments Committee and the Promotions Committee is open only to tenured full professors; membership on the Appeals Council and Educational Affairs Committee is open only to tenured faculty members. All faculty members are expected to fulfill normal advising and administrative responsibilities.

d. Procedure of Appointment

i. **New appointments**. New appointments are made by the president or the president's designate in accordance with the authority vested in him or her by the Board of Trustees. New appointments, reappointments, and promotions are reported by the president to the board at its regular meetings.

In considering appointment to the faculty of a person not already serving on it, the president will solicit the advice of the chair of the department concerned and such other advice and recommendation as he or she may deem appropriate.

ii. Offer of appointment or reappointment to the faculty will in all cases be tendered in writing and shall include a statement of precise terms and conditions of appointment and status of appointment with respect to tenure, and in the Department of Physical Education and Athletics with respect to contract terms. For a person already serving on the faculty, such offer will be extended early enough to be in his or her hand no later than the notification date as specified below in 4.f., Notification Date.

iii. Acceptance of appointment likewise will be tendered in writing. In the case of a person already serving on the faculty, such written acceptance or rejection shall be returned not more than 15 days after the notification date. Some extension of this period may be permitted by the president or the president's designate upon specific request in an exceptional case.

iv. Notice of non-reappointment of a person serving on the faculty will be given in writing no later than the notification date as specified below in 4.f., Notification Date. Such notice shall be deemed to have been given if the appointment upon which the person concerned is then serving was specifically stated to be a terminal appointment.

e. Review and Reappointment

i. **Review schedule**. Faculty on regular appointment whose first full-time appointment is at Middlebury are reviewed in the third year of appointment. Those who are reappointed following the first review will normally be reviewed for tenure in the spring of the seventh year after initial appointment. A request for early review that anticipates notification by December 15 or February 15 should be received by the Promotions Committee by May 15 prior; a request that anticipates notification by May 15 should be received by December 15 prior.

ii. First Review. In the third year of appointment to the faculty, unless there is credit for prior service, the Reappointments Committee undertakes a thorough review of the faculty member for evidence of accomplishment in teaching, scholarly or creative activity, and promise of outstanding teaching and developing scholarly or artistic achievement appropriate to the year in which the review takes place. The composition and long-term needs of the department and the faculty will also be considered. The procedures to be followed for the first review are set forth below.

The Reappointments Committee will arrange a meeting with successful first review candidates within one month of the review. The only persons present will be the candidate, the Reappointments Committee, and the provost, as secretary to the Reappointments Committee.

iii. Post Review Consultation. After passing the first review and within a month after the obligatory meeting between the Reappointments Committee and the faculty member, the dean for faculty development and research shall arrange a meeting with the faculty member and the department chair to discuss the development of the faculty member's career from the perspectives of both the individual and the department chair. The procedures for these interviews are set forth below.

iv. Appointments Following a Negative Review. Faculty who, having undergone review for tenure, are denied reappointment shall be offered a one-year terminal appointment, but in no case will such appointment extend beyond the academic year following the year of the review. No person who has failed a review and left the Middlebury Faculty may be considered for any appointment to the Faculty.

f. Promotion to Tenure

i. Institutional Assumptions Regarding Promotion to Tenure. The granting of tenure, whether with or without promotion in rank, is recommended by the president to the Board of Trustees or its designated committee or subcommittee for approval. The College expects to appoint to tenure faculty who are of exceptional quality as teachers and who are scholars or artists of significant achievement as recognized by the broader academic community beyond Middlebury. Such long-term institutional commitment to an individual's career comes with the expectation of a demonstrable reciprocal commitment by the faculty member to the departmental and College curricula and to the broader life of the institution. College involvement cannot compensate for an absence of scholarly or creative achievement, but its presence must be considered as the institution assesses tenurability. Tenure reviews will be based solely on the performance of the candidate, without regard to numerical quotas.

Procedures for the review for tenure are set forth below.

ii. Tenure. Appointment as associate professor or professor, after the passing of a Review for Tenure, is normally without limit of time (to normal retirement). Faculty at these ranks are regarded by the College as having tenure. Because Middlebury is primarily a teaching institution, there is an expectation of continued dedication to and high performance in teaching, in addition to an expectation of continuing achievement in scholarship and of service to the College.

iii. Initial Appointment with Tenure. Initial appointment to the Middlebury faculty at the rank of professor or associate professor with tenure shall be made by the president after consultation with the Promotions Committee and with the approval of the Board of Trustees. The Promotions Committee shall apply the same criteria in these appointments when advising the president as in those from within the College. Such appointments will be rare and made only for appointees of exceptional qualifications.

iv. Review for Promotion to Professor. Associate professors are first reviewed by the Promotions Committee at a time of their choosing, no earlier than the fifth and no later than the eighth year following appointment to tenure, for possible promotion to professor. This review is regarded as an opportunity for reassessment of professional achievements, and the basis for promotion will be evidence of continued excellence in teaching, achievement in scholarship, and service to the institution. Should the faculty member not be promoted, a similar review will be conducted at intervals of the faculty member's choosing, no earlier than three and no later than five years following the unsuccessful review until the faculty member has been promoted to professor or has departed from the faculty. When initial appointment to the Middlebury faculty is at the rank of associate professor with tenure, the date of review for promotion to the rank of professor shall be determined at the time of appointment and stated in the letter of appointment.

Procedures for the promotion review are set forth below.

v. Ten-year review. In the tenth year after promotion to full professor and every ten years thereafter, each full professor will undergo a professional review by the Reappointments Committee. The review has two goals: to assess professional achievements since promotion to full professor (or since the last ten-year review) and to aid in formulating plans for further growth and development.

As a result of the review, the provost may choose to recognize unusually distinguished service or consider action with respect to problems that have become apparent during the review. The provost will also discuss with the faculty member under review ways in which the College might help that person attain his or her goals for professional growth. Within the limits of its financial means, and in the interest of continuing faculty development, the College will attempt to offer leave opportunities to faculty members shortly after the ten-year review.

Procedures for the ten-year review are set forth below.

2. Review Procedures

a. Purpose

The review procedures complement the Rules of Reappointment and Tenure by enumerating the responsibilities of all parties charged with conducting a review for reappointment, tenure, or promotion to full professor.

b. Evaluation of Teaching

i. **Criteria.** Evaluation of teaching effectiveness includes an assessment by oneself and by one's peers, and the evaluations by students. In no case will evaluation of teaching be based solely on course response forms. Teaching should be taken in its broad sense, to include not only formal classroom work, but also the candidate's contributions to the curriculum, advising, and other teaching outside the classroom. Nonetheless, evaluation will always include observation of classroom teaching (*see Classroom Visitation below*).

Criteria considered for evaluation of teaching will include:

- (a) overall quality of the learning experience provided to students;
- (b) effectiveness in promoting student thinking and learning;
- (c) quality of classroom instruction;
- (d) organization of courses;
- (e) availability and helpfulness to students;
- (f) care in evaluating student work;
- (g) ability to teach a broad range of students; and
- (h) teaching outside the classroom.

ii. **Course Response Forms.** There are two copies of a faculty member's course response forms. A copy is held by the individual instructor; the original is filed in the office of the provost, where it may be consulted only by the president, the provost, the dean of the faculty, the department chair, and the Reappointments Committee or Promotions Committee. Program directors will have access to all course response forms for courses taught with an explicit program label, either as a stand alone or cross-listed course. A faculty member may place with the course response forms on file with the provost any comments or other materials he or she thinks may be useful in the interpretation and evaluation of these forms, and may grant access to these forms to others. The forms are kept by the office of the provost until the faculty member is reviewed for tenure. After the tenure review, copies are kept for the five most recent years only.

iii. **Classroom Visitation.** In the semester preceding the term in which the review takes place, the candidate should arrange with the department chair an appropriate schedule of class visitation over the two terms. The chair (or a senior member of the department designated by the chair and acceptable to the candidate) will visit at least two classes. Other colleagues may visit classes if the candidate invites them. It is the responsibility of the chair to ensure that the visits are not unnecessarily disruptive. Following classroom visits, and before the end of the term during which the visits take place, if the candidate wishes it, each visiting colleague will meet with the individual being evaluated to discuss his or her performance in the classes visited and to make suggestions for possible improvement. Members of the Reappointments Committee or Promotions Committee, however, will not normally offer such commentaries. In all cases, which classes will be visited will be agreed on in advance by the candidate and the visitors.

c. Evaluation of Scholarship

A candidate's scholarship or artistic production is considered in terms of activity and of achievement.

Scholarly activity represents a pattern of related professional involvements, which may include: research and experimentation; writing, analyzing, creating; presentations to peers or to the public; responsible roles in professional organizations; visiting professorships; applying for and receiving outside grants and fellowships; and developing new fields of expertise.

Scholarly achievement is the result of that activity, primarily as evidenced in work that has been (a) performed, executed, or published (as original research communicated to specialists or as the synthesis and interpretation of scholarly material for a more general audience), and (b) recognized as being of significantly high quality by scholars and artists within the broader academic community beyond Middlebury College.

Evaluation is undertaken by colleagues and by other appropriate professionals in the candidate's field. In reviews for tenure, scholars from outside the College will be asked to judge the candidate's scholarship. Evaluators will be supplied with the *Handbook* description of the scholarly activity and achievement appropriate to the review in question and will be asked to evaluate it on that basis.

d. Evaluation of Service

Institutional service becomes a criterion for evaluation along with teaching and scholarship at the tenure review and at the review for promotion to professor. It may be as diverse in form as is the faculty itself. Information regarding such service will be solicited from the candidates, from their departments, from their programs (when relevant), and through collegial letters for assessment by the Reappointments Committee or the Promotions Committee.

College service cannot compensate for an absence of achievement in teaching and scholarly or creative production. Nevertheless, the College recognizes that on occasion it must call upon an untenured faculty member to undertake a particularly demanding institutional role that may impede scholarly progress. At the time of such an appointment, the untenured faculty member may request that the provost, in consultation with the Promotions Committee, give written permission for a one-year postponement of the tenure review to permit additional time for scholarly achievement.

e. Departmental Evaluation

The department letter is written by the chair. This letter will state the chair's judgment concerning the candidate's fitness for reappointment, tenure, or promotion and the reasons for it. In preparing this recommendation, the chair shall conduct two or more classroom visits for reappointment and tenure reviews, one or more visits for post-tenure reviews, review the candidate's course response forms and other materials submitted to the Reappointments Committee or the Promotions Committee for review, as well as the written recommendations of the tenured members of the department or of full professors when the review is for promotion to professor. The chair also shall present, in the departmental letter, an accurate summary of the views, without attribution, of the senior members of the department.

f. Program Director's Evaluation

A program director will submit a letter of programmatic evaluation in faculty reviews if and only if (i) programmatic involvement is explicitly stated in the letter of appointment; or (ii) the faculty member under review requests that the provost solicit a letter from the appropriate program director. This letter will state the director's judgment concerning the candidate's fitness for reappointment, tenure, or promotion and the reasons for it. If the director so requests, the provost will solicit letters from up to two other senior members of the program, whom the program director selects in consultation with the candidate under review. The program director will provide the faculty member under review the names of these senior members. These letters will go to the program director and to the Reappointments Committee or the Promotions Committee. In preparing the program letter, the director shall review the candidate's vita; syllabi from relevant courses; an example of scholarly work; when the candidate has taught a course with an explicit program label, the course response forms from those courses; and, when relevant, the written recommendations of the solicited program members. The director shall also present, in the programmatic letter, an accurate summary of the views, without attribution, of any senior members of the program who have been solicited to write letters. In cases where a program is based entirely within a department, the program director will write an individual letter that will go to the department chair and to the Reappointments Committee or the Promotions Committee. The department chair will summarize the views of the program director in the departmental letter. In such instances, the program director's letter will not be made available to the candidate.

g. Confidentiality and Access

Letters from students and alumni are always confidential. Letters from outside evaluators are always confidential. Letters from colleagues at Middlebury are made available to candidates only in the event of a decision to deny reappointment. Restricting access is meant to ensure frank and honest assessments of the candidates. The letters should be accurate in matters of fact upon which judgments are based. The departmental letter (i.e., the letter written by a chair that summarizes, without attribution, the views of tenured colleagues) will be made available to the candidate at the time when it is submitted to the Reappointments Committee or the Promotions Committee. If a program letter is written, it will also be made available to the candidate at the time when it is submitted to the Reappointments Committee or the Promotions Committee. Any response to the departmental or programmatic letter that the candidate wishes to submit to the Reappointments Committee or the Promotions Committee must be submitted to the Reappointments Committee or the Promotions Committee and made available to the department chair or program director within two weeks of the receipt of the chair's or director's letter. Any further letters of response, either from the chair, the director, or the candidate, will be held in confidence by the Reappointments Committee or the Promotions Committee.

The provost, dean of the faculty, the president, and members of the Reappointments Committee or the Promotions Committee will have access to all materials submitted in connection with a review. The department chair will have access to letters from other senior members of the department and to the candidate's vita, publications, and course response forms. The program director will have access to solicited letters from other senior members of the program and to the candidate's vita, relevant syllabi, an example of scholarship, and, when the candidate has taught a course with an explicit program label, course response forms from those courses.

3. Procedures and Responsibilities

a. First Review

The first review examines a faculty member's performance for evidence of accomplishment in teaching, of scholarly or creative activity, and of promise of outstanding teaching and scholarly or artistic achievement of significant quality. The evaluation of scholarship includes the assessment of the candidate, members of the candidate's department, and other faculty colleagues. The composition and long-term needs of the department and the faculty are also considered in this review.

i. The Candidate

(a) Candidates are expected to have completed the requirements for the terminal degree. Failure to complete the terminal degree (normally the Ph.D.) by the time of the first review creates the presumption that the criterion of scholarly activity has not been satisfied. This presumption can be rebutted only by strong evidence (1) that the required written or artistic work is completed, but not yet defended, or (2) that there is other scholarly achievement of exceptionally high quality.

(b) To arrange with the chair, or the chair's designate, an appropriate schedule of classroom visits.

(c) If the candidate so desires, to invite other colleagues to visit classes.

(d) To submit to the department chair and to the Reappointments Committee in a timely manner a complete vita, course syllabi, and other materials requested, as well as materials that the candidate thinks pertinent (for example, a faculty member may place with the provost's copy of course response forms any comments or other materials he or she thinks may be useful in the interpretation of these forms). To submit to the program director, when relevant, a complete vita, syllabi from relevant courses, and an example of scholarly work.

(e) To submit to the Reappointments Committee scholarly publications, a dissertation, and/or other appropriate evidence of scholarship or artistic activity.

(f) To arrange with members of the Reappointments Committee an appropriate schedule of classroom visitations.

(g) To prepare a self-evaluation that concentrates on teaching performance and scholarly activity with reference to the criteria listed in 2.b. and 2.c. above. The evaluation of scholarly activity should project a program leading to a level of scholarly achievement suitable for tenure. The letter may include identification of any factors that have hindered progress.

ii. Reappointments Committee

(a) To meet with the candidates for the first review, in a group or individually, to explain to them the procedures; and to invite the candidates to submit, either orally or in writing, any additional information that may be pertinent to their reviews. A candidate's decision not to submit such materials is in no way prejudicial to reappointment.

(b) To have one of its members interview the faculty member under review to discuss matters that the faculty member or the committee considers pertinent to arriving at a decision.

(c) To arrange with the candidate an appropriate schedule of classroom visitations. At least two members should each visit at least two of the candidate's classes, or one class and one public lecture. (Commentary on teaching will not be offered by members of the Reappointments Committee.)

(d) To interview or to request information from other members of the College community, alumni, and persons off campus, as it deems necessary.

(e) To request letters of recommendation from current students and from recent graduates who have taken at least one course from the person under review. The Reappointments Committee will request letters from at least three students and at least three alumni in all reviews. Students may be asked to comment specifically on the particular criteria for teaching listed under Evaluation of Teaching, above.

(f) To request a letter from the department chair evaluating the candidate's scholarly activity and promise of achievement, as well as his or her teaching, and assessing the candidate's role in the long-term patterns of the department.

(g) To request a letter from the program director, when relevant, evaluating the candidate's scholarly activity and promise of achievement, as well as his or her teaching, and assessing the candidate's role in the long-term patterns of the program.

(h) To request letters of evaluation from other tenured members of the candidate's department, and, when appropriate, to invite comments from tenured colleagues in other departments.

(i) To review the scholarly materials submitted by the candidate; to read and consider such opinions of it as may be pertinent, such as reviews or reports of readers.

(j) To examine all the materials submitted to the committee in the case, and all other materials that may be pertinent to the review, including letters from other colleagues at Middlebury, and letters from students, alumni, or appropriate professionals outside Middlebury.

(k) To read and consider the course response forms.

(l) To keep written records of all interviews.

(m) In any case where the committee determines that a departmental recommendation requires further clarification, or when the Reappointments Committee is inclined to reject the departmental recommendation, to interview the department chair, and, if the Reappointments Committee so chooses, any other tenured member or members of the department or program the Reappointments Committee deems appropriate; in either or each instance to place a written summary of the meeting(s) in the candidate's file. If rejection is under consideration because of questions about the quality of the candidate's teaching, to conduct an independent examination of the candidate's teaching.

(n) To convey to the president the committee's conclusions about the constituent considerations of the review, a final recommendation and the reasons for it. To record its final recommendation and make it a part of the review file.

(o) To hear and respond to any conclusions of the president that may differ from their own. To review with the president those materials that pertain directly to any area of disagreement.

(p) To meet with the candidate within four weeks of the completion of a successful review to provide an assessment of the candidate's performance, to summarize the information on which the Reappointments Committee based its decision, and to provide the candidate and the chairperson of the candidate's department with a written summary of the meeting prepared by the provost. In this meeting, the committee should interpret the views of others without revealing their names. All summaries of reappointment review meetings will begin with the following paragraph: "The following summary of a meeting between _____ (the candidate) and the Reappointments Committee is made available to the candidate, who has successfully passed a review for reappointment at Middlebury College, and to the candidate's department chair, solely for the purpose of providing a record of the meeting held to discuss the review just completed. Nothing stated in the summary, or in the course of the review, carries with it any presumption about the outcome of any subsequent review. Similarly, the findings and recommendations of the Reappointments Committee at this review are not determinative of any assessment of the candidate's professional development at a later review. At all reviews, the Reappointments Committee or Promotions Committee makes an independent determination governed only by the standards for reappointment, promotion, and tenure as then published in the College's Rules of Appointment and Tenure, with which faculty members are expected to be familiar."

In the case of unsuccessful review, to offer to meet with the candidate for the same purpose.

iii. Provost

(a) To initiate the review, in a timely fashion, so that all necessary information and documentation may be obtained from the candidate and other sources.

(b) To solicit information, on behalf of the Reappointments Committee, from candidates under review; to gather information from other sources when so requested by the Reappointments Committee.

(c) To maintain the candidates' review files, including course response forms.

(d) To serve as recording secretary of the Reappointments Committee.

(e) To provide counsel to the Reappointments Committee during the course of its deliberations.

(f) To provide counsel to the president when the Reappointments Committee's deliberations are completed.

iv. Dean of the Faculty

(a) To facilitate the gathering of information when so requested by the Reappointments Committee.

(b) To assess the written information provided to the Reappointments Committee and prepare a written evaluation and recommendation for the Reappointments Committee, when requested by the Reappointments Committee to do so.

(c) When invited by the Reappointments Committee, to attend its meetings to supply additional information to aid in its deliberations.

v. Dean for Faculty Development and Research

(a) In the case of a review of a department chair or program director, to assume the role of chair or director for that review.

vi. Department Chair

(a) To arrange with the candidate an appropriate schedule of classroom visitations by the chair or chair's designate, and to ensure that the number of visits by other colleagues does not unnecessarily disrupt the candidate's courses.

(b) To provide the Reappointments Committee with lists of at least six current students and six recent graduates who have taken at least one course from the candidate.

(c) To review the candidate's course response forms, on deposit in the office of the provost.

(d) To submit a letter to the Reappointments Committee containing the departmental evaluation according to section 2.e. The focus of the departmental evaluation shall be upon teaching, scholarship, contribution to the departmental program, and promise as a teacher and scholar. This letter will be shared with the tenured members of the department and the candidate undergoing the review.

(e) To meet with the candidate to discuss the contents of the departmental evaluation.

vii. Tenured Department Faculty Members

(a) To submit a letter of recommendation, when requested, to the Reappointments Committee, with a copy to the department chair, that speaks to those aspects of a candidate's work with which he or she is familiar.

(b) Upon the invitation of a candidate, to observe a class or classes and to meet with the candidate to discuss his or her performance in the class, with suggestions for possible improvement. Such meetings will be held before the end of the term during which the visits take place.

viii. Program Director

(a) To submit a letter to the Reappointments Committee containing the programmatic evaluation according to section 2.f. The focus of the programmatic evaluation shall be upon teaching, scholarship, contribution to the program, and promise as a teacher and scholar. This letter will be shared with the tenured program members who have been solicited by the provost to write letters and the candidate undergoing the review.

ix. President

(a) To hear reports from the Reappointments Committee on the substance of its conclusions about each constituent part of the case and about the case as a whole.

(b) To consult with the provost about the individual cases.

(c) To challenge any conclusion of the Reappointments Committee with which he or she disagrees and give the Reappointments Committee an opportunity to respond.

(d) In the case of a reversal of the committee's recommendation, to explain to the committee the reasons for doing so, reasons which in a written summary become part of the review file.

(e) To make the final decision and to notify the candidate in a letter that indicates the recommendation of the Reappointments Committee.

b. Post-Review Consultation

i. Candidate's Responsibilities

(a) To meet with the department chair and the dean for faculty development and research to discuss progress in scholarship and teaching.

ii. Dean for Faculty Development and Research

(a) To arrange a meeting with the candidate and the department chair to discuss the candidate's progress in teaching and scholarship.

iii. Department Chair

(a) To discuss with the candidate his or her progress in teaching and scholarship from the perspective of the department, with reference to the provost's summary of the post-review meeting between the candidate and the Reappointments Committee.

c. Review for Tenure

The review for tenure examines a faculty member for evidence of exceptional quality in teaching, and of significant scholarship or artistic achievement recognized as such by scholars and artists beyond Middlebury College. The evaluation of scholarship includes the assessment by the candidate, members of the candidate's department, members of the candidate's program (when relevant), other faculty colleagues, and appropriate professionals in the field outside Middlebury. Beyond teaching and scholarship, the service roles played by the individual faculty member will be examined.

The long-term institutional commitment to an individual's career that is made with the granting of tenure comes with the expectation of a demonstrable reciprocal commitment on the part of the faculty member to the departmental and College curricula and to the broader life of the institution.

The procedures in the tenure review include all those listed under the first review unless there is a statement to the contrary and the following additional steps.

i. The Candidate

(a) To complete the tasks listed under the first review, with the understanding that the Promotions Committee is the reviewing committee.

(b) To include in the letter of self-evaluation a discussion of his or her scholarly achievement and service to the College community.

(c) To furnish the Promotions Committee with a list of scholars or artists outside Middlebury who would be appropriate to evaluate the candidate's professional achievements.

ii. Promotions Committee

(a) To complete the tasks listed under the first review, with the understanding that the Promotions Committee is the reviewing committee.

(b) To solicit from scholars outside the College an evaluation of the candidate's scholarship or artistic production.

(c) At the time of the tenure review, the Promotions Committee does not consider the long-term staffing needs of the department and the faculty.

iii. Provost

(a) To complete the tasks listed under the first review, with the understanding that the Promotions Committee is the reviewing committee.

(b) To ensure that the candidate knows the identity of all those scholars outside the College from whom the Promotions Committee seeks an evaluation of the candidate's scholarship.

iv. Dean of the Faculty

(a) To facilitate the gathering of information when so requested by the Promotions Committee.

(b) To assess the written information provided to the Promotions Committee and prepare a written evaluation and recommendation for the Promotions Committee.

(c) When invited by the Promotions Committee, to attend its meetings to supply additional information to aid in its deliberations.

v. Dean for Faculty Development and Research

(a) If the chair or director is untenured, to assume the responsibility of the department chair or program director for the review.

vi. Department Chair

(a) To complete the tasks listed under the first review, with the understanding that the Promotions Committee is the reviewing committee.

(b) To submit a letter to the Promotions Committee containing the departmental evaluation according to section 2.e. The focus of the departmental evaluation shall be upon the candidate's teaching, scholarly achievement, contribution to the departmental program, and the candidate's promise as a teacher and scholar as evidenced in the candidate's record of achievement. This letter should not speak to the composition and long-term needs of the department and faculty. The letter is shared with the tenured members of the department and the candidate undergoing the review.

(c) To write a letter to the Promotions Committee, giving a personal recommendation, as a tenured member of the department, regarding the candidate.

vii. Departmental Faculty Members

(a) To complete the tasks listed under the first review, with the understanding that the Promotions Committee is the reviewing committee.

(b) To write a letter to the Promotions Committee giving a recommendation of the candidate.

viii. Program Director

(a) To submit a letter to the Promotions Committee containing the programmatic evaluation according to section 2.f. The focus of the programmatic evaluation shall be upon the candidate's teaching, scholarly achievement, contribution to the program, and the candidate's promise as a teacher and scholar as evidenced in the candidate's record of achievement. This letter should not speak to the composition and long-term needs of the program and faculty. This letter will be shared with any tenured program members who have been solicited by the provost to write letters and with the candidate undergoing the review.

ix. President

(a) To interview all candidates for tenure.

(b) To review all items in the candidate's tenure file. (This includes letters related to the case received during the period of review from faculty, students, alumni, outside referees, and others. The president normally does not review all course response forms and scholarly publications.)

(c) To hear reports from the Promotions Committee on the substance of its conclusions about each constituent part of the case and about the case as a whole.

(d) To consult with the provost about individual cases.

(e) In the case of the prospect that the president will not accept the Promotions Committee's recommendation, to offer the committee, prior to making a final decision, an explanation of the reason why he or she is disposed to overrule it.

(f) In the case of a reversal of the Promotions Committee's recommendations, to explain to the committee the reasons for doing so, reasons which in a written summary become part of the review file; to invite the committee to prepare a written report explaining in detail the reasons for its recommendation; and to present this report to the trustees in an appropriate and timely fashion.

(g) To determine, after completing the steps listed above, whether a recommendation for tenure is to be advanced to the Board of Trustees, and to do so, if tenure is to be recommended.

d. Review for Promotion to Professor

This review, which normally first takes place from five to eight years after the granting of tenure, considers whether a candidate should be promoted to full professor and looks at continued excellence in teaching, achievement in scholarship, and service to the institution.

i. The Candidate

(a) To write a self-evaluation that assesses the individual's career at Middlebury since promotion to tenure. The report should include an updated curriculum vitae, a schedule of courses taught since the previous review, and the faculty member's assessment of his or her research, teaching, publications and/or artistic performances, and service to the College. It should also

contain a proposal for future professional development. The self-evaluation should be accompanied by pertinent publications, reviews of publications, and/or records and reviews of artistic performances, and it may, in addition, include letters of testimony from department chairs, program directors, colleagues, and/or outside professionals in the field.

(b) To arrange with the department chair, or dean for faculty development and research if the candidate is a department chair, an appropriate schedule of classroom visits.

ii. Promotions Committee

(a) To have one of its members interview the candidate.

(b) To review the teaching program, scholarly work, and administrative and other College service during the period since the granting of tenure.

(c) To examine the candidate's course response forms, publications, and other material submitted for the review.

(d) To have one or more of its members visit the candidate's classes.

(e) To solicit the recommendation of the candidate's department.

(f) To solicit, when relevant, the recommendation of the candidate's program.

(g) To solicit, as it deems appropriate, the opinions of students or recent alumni.

(h) To recommend to the president whether or not the candidate should be promoted.

iii. Provost

(a) To collect and make available material requested by the Promotions Committee.

(b) To be available for consultation by the Promotions Committee and the president.

iv. Department Chair

(a) To recommend, after reviewing the candidate's course response forms, making a classroom visit or visits, and reviewing the written recommendations of departmental colleagues who are full professors, whether or not the candidate should be promoted on grounds of continued excellence in teaching, achievement in scholarship, and service to the institution.

v. Program Director

(a) When relevant, to recommend, after consultation with programmatic colleagues who are full professors, and after classroom visit(s), whether or not the candidate should be promoted on grounds of continued excellence in teaching, achievement in scholarship, and service to the institution.

vi. Dean for Faculty Development and Research

(a) In the case of a review of a department chair or program director, to assume the role of chair or director for that review.

vii. President

(a) To become familiar with the candidate's case.

(b) To consult with the Promotions Committee and to discuss with the committee its recommendation.

(c) To make the final decision and to notify the candidate.

e. Ten-Year Review

The ten-year review assesses professional achievements and service to the College and its curriculum since promotion to full professor, or since the last ten-year review, and seeks to aid in formulating plans for further growth and development.

i. The Candidate

(a) To write a self-evaluation that assesses the individual's career at Middlebury since promotion to full professor or since the last ten-year review. The report should include an updated curriculum vitae, a schedule of courses taught since the previous review, and the faculty member's assessment of his or her research, teaching, publications, and/or artistic performances, and service to the College. It should also contain a proposal for future professional development. The self-evaluation should be accompanied by pertinent publications, reviews of publications, and/or records and reviews of artistic performances, and it may, in addition, include letters of testimony from department chairs, program directors, colleagues, and/or outside professionals in the field.

ii. Reappointments Committee

(a) To have one of its members meet with the candidate to discuss the candidate's report and any supporting material presented.

(b) To visit classes or to view videotapes of classroom performance if the Reappointments Committee considers it appropriate or should the candidate so request.

(c) To solicit, as it deems appropriate, the opinions of students or recent alumni.

(d) To consult course response forms.

(e) To consult, as it deems appropriate, the department chair, program director, or other senior colleagues.

(f) To draft a letter expressing its conclusions from the review. This letter will be sent first to the faculty member who may choose to respond to the Reappointments Committee's letter in writing and/or to request a meeting with the committee. The Reappointments Committee will then submit to the president and the provost copies of the revised letter and any written response from the faculty member.

iii. Provost

(a) To meet with the Reappointments Committee when requested.

(b) As appropriate, to recognize unusually distinguished service, or to consider action with respect to problems that have become apparent during the review.

(c) To discuss, as appropriate, with the faculty member under review ways in which the College might help that person attain his or her goals for professional growth.

f. Contract Reviews

A contract review concentrates on promise and performance as a teacher. Among the information considered by the Reappointments Committee, the departmental or programmatic evaluation will be accorded the greatest weight; however, the Reappointments Committee will also review course materials, and course response forms, and will also consider the composition and long-term needs of the department or program and the faculty in arriving at its final recommendation. The review will follow the procedures in 3.f.i. through 3.f.ix. below.

When candidates on term appointments outside of rank may be renewed, and the Educational Affairs Committee has authorized a continuation of the positions that they hold, the candidates' performance in teaching, as their teaching responsibilities are defined by the positions they hold, will be reviewed. The review will follow the procedures in 3.f.i. through 3.f.ix. below, except that expectations for performance in teaching will rise as the candidate becomes more senior in service. In the case of candidates holding full-time positions, who are being reviewed after seven years of employment, the Reappointments Committee will also consider service to the institution as a component of the review.

Candidates on term appointments in rank may be renewed. When the Educational Affairs Committee has authorized a continuation of the positions that they hold (except in the case of appointments in the Department of Physical Education, where the vacancy must be approved by the provost or designate), the criteria and procedures will be the same as those for contract reviews of appointments outside of rank. However, some adjustments may be made to evaluate evidence of professional activity and achievement that are deemed appropriate to the position held by the candidate being reviewed, and to the level of appointment. Any such adjustments in the procedures shall be determined by the provost in consultation with the dean of the faculty and the chair of the appropriate department and shall be communicated, in writing, to the candidate.

i. The Candidate

(a) To arrange with the chair or director, or the chair's or director's designate, an appropriate schedule of classroom visits.

(b) If the candidate so desires, to invite other colleagues to visit classes.

(c) To submit to the department chair or program director and to the Reappointments Committee in a timely manner a complete vita, course syllabi, and other materials requested, as well as materials that the candidate thinks pertinent (for example, a faculty member may place with the provost's copy of course response forms any comments or other materials he or she thinks may be useful in the interpretation of these forms).

(d) To prepare and submit to the Reappointments Committee a self-evaluation, concentrating particularly on teaching with reference to the criteria listed in 2.b. above.

ii. Reappointments Committee

(a) To meet with the candidates undergoing contract reviews, in a group or individually, to explain to them the procedures and to invite the candidates to submit, either orally or in writing, any additional information that may be pertinent to their reviews. A candidate's decision not to submit such materials is in no way prejudicial to reappointment.

(b) To interview or to request information from other members of the College community, alumni, and persons off campus, as it deems necessary.

(c) To examine all the materials submitted to the committee in the case, and all other materials that may be pertinent to the review, including letters from other colleagues at Middlebury, and letters from students, alumni, or appropriate professionals outside Middlebury.

(d) To read and consider the course response forms.

(e) To make visits to a candidate's classes or public lectures or performances if the committee deems it appropriate to do so, and in the case of classroom visits, to make arrangements in advance. (Commentary on teaching will not be offered by members of the Reappointments Committee if visits are made.)

(f) To keep written records of all interviews.

(g) In any case where the committee determines that a departmental or programmatic recommendation requires further clarification, or when the Reappointments Committee is inclined to reject the departmental or programmatic recommendation, to interview the department chair or program director, and, if the Reappointments Committee so chooses, any other tenured member or members of the department or program the Reappointments Committee deems appropriate; in either or each instance to place a written summary of the meeting(s) in the candidate's file. If rejection is under consideration due to questions about the quality of the candidate's teaching, to conduct an independent examination of the candidate's teaching.

(h) To convey to the president the committee's conclusions about the constituent considerations of the review, a final recommendation and the reasons for it. To record its final recommendation and make it a part of the review file.

(i) To hear and respond to any conclusions of the president that may differ from their own. To review with the president those materials that pertain directly to any area of disagreement.

(j) To meet with the candidate, or authorize the provost to meet on their behalf, within four weeks of the completion of a successful review to provide an assessment of the candidate's performance, to summarize the information on which the Reappointments Committee based its decision, and to provide the candidate and the chairperson of the candidate's department or director of the candidate's program with a written summary of the meeting prepared by the provost. In this meeting, the committee should interpret the views of others without revealing their names. All summaries of reappointment review meetings will begin with the following paragraph: "The following summary of a meeting between _____ (the candidate) and the Reappointments Committee is made available to the candidate, who has successfully passed a review for reappointment at Middlebury College, and to the candidate's department chair or program director, solely for the purpose of providing a record of the meeting held to discuss the review just completed. Nothing stated in the summary, or in the course of the review, carries with it any presumption about the outcome of any subsequent review. Similarly, the findings and recommendations of the Reappointments Committee at this review are not determinative of any assessment of the candidate's professional development at a later review. At all reviews, the Reappointments Committee or the Promotions Committee makes an independent determination governed only by the standards for reappointment, promotion, and tenure as then published in the College's Rules of Appointment and Tenure, with which faculty members are expected to be familiar."

In the case of unsuccessful review, to offer to meet with the candidate for the same purpose.

iii. Provost

(a) To initiate the review, in a timely fashion, so that all necessary information and documentation may be obtained from the candidate and other sources.

(b) To solicit information, on behalf of the Reappointments Committee, from candidates under review; to gather information from other sources when so requested by the Reappointments Committee.

(c) To maintain the candidates' review files, including course response forms.

(d) To serve as recording secretary of the Reappointments Committee.

(e) To provide counsel to the Reappointments Committee during the course of its deliberations.

(f) To provide counsel to the president when the Reappointments Committee's deliberations are completed.

iv. Dean of the Faculty

(a) To facilitate the gathering of information when so requested by the Reappointments Committee.

(b) To assess the written information provided to the Reappointments Committee and prepare a written evaluation and recommendation for the Reappointments Committee, when requested by the Reappointments Committee to do so.

(c) When invited by the Reappointments Committee, to attend its meetings to supply additional information to aid in its deliberations.

v. Dean for Faculty Development and Research

(a) In the case of a review of a department chair or program director, to assume the role of chair or director for that review.

vi. Department Chair or Program Director

(a) To arrange with the candidate an appropriate schedule of classroom visitations by the chair or director or the chair's or director's designate, and to ensure that the number of visits by other colleagues does not unnecessarily disrupt the candidate's courses.

(b) To review the candidate's course response forms, on deposit in the office of the provost.

(c) To submit a letter to the Reappointments Committee containing the departmental or programmatic evaluation according to section 2.e. or 2.f. The focus of the departmental or programmatic evaluation shall be upon the candidate's teaching performance and promise as a teacher and scholar. This letter will be shared with the tenured members of the department or program and the candidate undergoing the review.

(d) To make available to the candidate a copy of the departmental or programmatic letter.

(e) To meet with the candidate to discuss the contents of the departmental or programmatic evaluation.

vii. Tenured Department or Program Faculty Members

(a) To submit a letter of recommendation, when requested, to the Reappointments Committee, with a copy to the department chair or program director, that speaks to those aspects of a candidate's work with which he or she is familiar.

(b) Upon the invitation of a candidate, to observe a class or classes and to meet with the candidate to discuss his or her performance in the class, with suggestions for possible improvement. Such meetings will be held before the end of the term during which the visits take place.

viii. President

(a) To hear reports from the Reappointments Committee on the substance of its conclusions about each constituent part of the case and about the case as a whole.

(b) To consult with the provost about the individual cases.

(c) To challenge any conclusion of the Reappointments Committee with which he or she disagrees and give the Reappointments Committee an opportunity to respond.

(d) In the case of a reversal of the committee's recommendation, to explain to the committee the reasons for doing so, reasons

which in a written summary become part of the review file.

(e) To make the final decision and to notify the candidate in a letter that indicates the recommendation of the Reappointments Committee.

4. PRIOR SERVICE, EARLY REVIEW, AND LENGTH OF APPOINTMENT UNDER "NEW" RULES

a. Normal Review Schedules in Case of Prior Service

All regular faculty members appointed to full-time positions at any rank, who have had prior full-time appointment at another college or university, are reviewed for reappointment no later than in the third year of their Middlebury appointment.

Faculty who teach less than full-time are normally reviewed after they have taught ten fall/spring courses.

The **normal** schedule for length of initial appointment and the character of initial review for reappointment is as follows:

<i>Years of Prior Service</i>	<i>Length of First Contract</i>	<i>Initial Review</i>	<i>Year in which review takes place</i>
1-2	3	First	Third (fall)
3	2	First	Second (January)
4	4	Tenure	Third (spring)
5-7	3	Tenure	Second or third (January) as negotiated at time of appointment

Any deviations from this schedule will be specifically stated in the initial letter of appointment. Prior service counts for anyone who has held a regular, full-time appointment at a senior college or university. Only full-year appointment at Middlebury or elsewhere counts toward tenure date.

b. Review Schedule for Term Appointments

Initial term appointments to the Middlebury College faculty may range from one to three years. Term appointments may be made at any rank, regardless of the normal phasing of reviews. Term appointments are intended to accommodate contextual needs in instructional programs or the needs of the faculty member appointed. Reappointment may be offered for periods less than the normal reappointment period when contextual needs in an instructional program require it.

c. Length of Appointment and Tenure

A faculty member with a regular full-time appointment may not serve beyond the eighth year (at Middlebury or as accumulated) without review for tenure, except when the initial term appointment carries beyond the eighth year (as accumulated). With the exceptions noted below, faculty members holding special full-time appointments may not be reappointed beyond the eighth year of full-time teaching at Middlebury College. This limitation does not apply to faculty members in the following categories as defined previously in section 1.c.ii., Faculty Appointments, Special Appointments.

- i. *Lecturers*
- ii. *Assistants in Instruction*
- iii. *Members of the Department of Physical Education*
- iv. *Administrative appointments with faculty rank*

When (following a stringent review by the Reappointments Committee) a full-time faculty member is appointed beyond the eighth year, the length of the employment contract will normally be from three to five years.

d. Early Reviews

The decision to be reviewed early for tenure rests with the individual faculty member. If a colleague requests an early tenure review, the Promotions Committee will review the faculty member according to the appropriate criteria for the tenure review as outlined. A faculty member electing early review waives the terms of the existing letter of appointment pertaining to length of appointment to the faculty. If the review results in a decision not to reappoint, no later review will be undertaken, and faculty members who have been denied tenure shall be offered a one-year terminal appointment for the year succeeding the review. A request for an early tenure review that anticipates notification of the decision by December 15 should be received by the provost by May 15 prior; a request that anticipates notification by May 15 should be received by December 15 prior. Time spent on leave (except for sick leave) does not alter the time of review; i.e., the timing of the review is calculated strictly from the date of first appointment, regardless of any time on leave for the purposes of scholarship and other professional development.

e. Deferred Reviews

Faculty members may request a delay in the tenure review. The provost, in consultation with the dean of the faculty, may grant a delay if the professional development of a member of the faculty has been impaired by a particularly demanding institutional role or by poor health, family obligations, or legally recognized disabilities. In no case, however, will a tenure review take place later than the tenth year of full-time teaching.

f. Notification Date

Persons on first review will be notified of decisions no later than December 15 of their final year of appointment. Persons on tenure review will be notified of decisions no later than May 15 of the year preceding their final year of appointment. Faculty undergoing review for promotion to full professor will be notified no later than February 15 of the review year. Faculty undergoing ten-year reviews will be notified no later than June 1 of the review year. All other faculty being reviewed normally will be notified no later than February 15.

g. Retirement

Retirement may be arranged at any time a faculty member chooses. Retirements will normally become effective on the terminal date of a fiscal year. Appointment of a retired faculty member to a period of active service at Middlebury College will be at the discretion of the president.

Rules of Reappointment for Physical Education Faculty

1. Review and Reappointment in the Department of Physical Education

a. Review Schedule. The athletic director will review all instructors and assistants in the Department of Physical Education and Athletics on an annual basis. Reviews of coaches who do not have head coaching responsibilities will be conducted in conjunction with the appropriate head coach(es). Evaluations of all instructors in physical education will focus on their promise and performance as coaches, and as physical education instructors. Reviews will generally occur at the conclusion of the coaches' prime coaching season, and final recommendations will be forwarded to the dean of the College by May 10, with notification taking place as specified in section 4.f. Notification Date, of the Faculty Handbook "Rules of Appointment and Tenure for Academic Faculty." After two consecutive, one-year contracts, an instructor may be offered a two-year contract, which may be renewed at the conclusion of the first two-year contract. After six years as an instructor in physical education, assuming positive evaluations, the coach may be awarded a three-year contract, and will be appointed to the rank of assistant in physical education. Coaches who do not have "head" coaching responsibilities are limited to attaining the rank of assistant in physical education and can be awarded renewable three-year term contracts following written recommendation by the director of athletics.

New head coaches, with previous coaching experience, may be hired at the rank of assistant in physical education, and initially awarded a three-year contract. Upon satisfactory yearly reviews, a second three-year contract may be granted, and annual reviews by the director of athletics will continue on a yearly basis. After six years as an assistant in physical education, assuming positive evaluations and the satisfactory completion of the major review, a head coach will be promoted to associate in physical education and will receive a renewable five-year contract.

b. First Five-Year Review. During the sixth year at the rank of assistant in physical education, the Physical Education and Athletics Committee on Reappointment (PEACOR), composed of the Senior Woman Administrator (SWA), a senior associate in physical education, elected by the members of the department, and the chair of the Athletic Policy Committee of the Faculty (APC), will initiate a major review to determine whether the head coach under review will be promoted to the rank of associate in physical education and awarded a renewable five-year contract. The director of athletics and the dean of the College shall serve in advisory capacities to PEACOR during its proceedings. To be considered for this promotion a head coach must be judged to be an outstanding coach and teacher, based upon the performance criteria listed below. The PEACOR will forward its recommendation to the dean of the College and the president for final approval. A head coach who is not offered a five-year contract will be offered a one-year terminal contract, and notified in writing regarding the new contract as specified in section 4.f. Notification Date, of the Faculty Handbook "Rules of Appointment and Tenure for Academic Faculty."

(Note: This review is of major importance, since it parallels an academic professors' review for tenure, and accordingly the granting of associate rank. The granting of a multi-year renewable contract is a significant one, in that the college is acknowledging its desire to provide contractual stability to the coach, based on continued outstanding coaching and teaching performance.)

c. Second Five-Year Review. During the fifth year the associate in physical education will undergo a second review by the PEACOR. The procedures of the review will be the same as for the first five-year review. The PEACOR will notify the dean of the College and the president of its recommendation, and the coach will receive written notification as specified in section 4.f. Notification Date, of the Faculty Handbook "Rules of Appointment and Tenure for Academic Faculty." Upon a positive review, the associate will be granted a second five-year contract. If the review is unsatisfactory, the coach will be offered a two-year terminal contract.

d. Seven-Year Review. In the tenth year at the rank of associate in physical education the head coach will be reviewed by the PEACOR. Evaluations by the PEACOR will be acted upon as previously described. Upon a positive review, the associate will be promoted to the rank of senior associate and granted a seven-year contract. If the review is unsatisfactory, the coach will be offered a two-year terminal contract. These reviews will continue every seven years.

(Note: Colleagues moving through the process granted 3-year rolling contracts prior to September 1, 2002 will move through the Associate and Senior Associate ranks with Major Reviews at 5 years at the Associate Level and every seven years at the Senior Associate Level.)

e. Appeal Process. In the event the PEACOR does not recommend promotion and a multi-year contract, any appeals will follow the procedures stated in the Appeals section in the Faculty Handbook. References in this section to the Reappointments and Promotions Committee, will be relegated to the Physical Education and Athletics Committee on Reappointment, and

followed in the same manner through the appeals process.

f. Termination for Cause. Termination of a contract may occur at any time and will follow the provisions of section c. of "Special Provisions" in the Faculty Handbook. The Physical Education and Athletics Committee on Reappointment will perform the role of the Promotions Committee in section c.

g. Reappointment and Review Criteria

All coaching faculty are hired with the expectation of being outstanding teachers. All coaches are expected to value the role that they play in the education of their student-athletes, and will be actively supportive in insuring that their students' opportunity to excel in their academic pursuits is always viewed as being of paramount importance. The pursuit of excellence is an attitude that all coaches will attempt to instill in their athletes, to the extent that this pursuit will be evident in their academic growth, in their positive contributions made to the campus community, and in their athletic endeavors.

Coaching faculty are evaluated in the areas listed below:

Commitment to the core mission of the College

- Commitment to the Middlebury College Mission Statement, NESCAC Mission Statement and the NCAA Division III Philosophy
- Adherence to College, Conference and NCAA rules and policies
- Effectiveness in assisting students in finding a healthy balance between athletic interests and academic priorities
- Effectiveness in supporting students in attaining their educational goals

Teaching Physical Education Classes

- Knowledge of fundamental skills and concepts
- Organization and lesson plan progression to achieve stated goals
- Instructional communication, drill utilization and skill acquisition
- Promotion of wellness

Coaching and Teaching

- Practice organization/time management
- Skills analysis, teaching and progression
- Tactics/strategy development/game day adaptability
- Team fitness preparation and maintenance
- Team and player motivation, coach-player relationship, student welfare
- Team performance - Use and teaching of rules, academic performance, community service
- Professional growth – certifications, memberships, public speaking, camps and clinics, awards/recognition
- Recruiting and promotion:
 - Public relations – media, alumni
 - Ability to attract and yield top student-athletes

Administration and Organization

- Professional traits – communication/organizational skills, punctuality, work ethic
- Budget management
- Trip organization
- Meeting deadlines
- Relations with support staff

Service

- Department involvement and initiatives
- Involvement with College community
- Community service – service to community, mentoring

2. Review Procedures in the Department of Physical Education and Athletics

a. Annual review. Prior to May 10th, the athletic director will meet individually with each head coach. Prior to the meeting the athletic director will gather information from the following sources to assist in the evaluation: 1) Physical Education evaluation forms and a written summary of evaluation from the director of physical education, 2) Student assessment of

coaching forms to be completed by all team members, 3) Written summation of captains evaluation meeting with the athletic director, 4) Coaching year-end self evaluation form and 5) the athletic director will have personally observed a minimum of one practice and one varsity contest. Reviews of coaches who do not have head coaching responsibilities will be conducted in conjunction with the appropriate head coach(es) and reviewed by the director of athletics.

Evaluation Process - The athletic director will provide a written evaluation to the candidates based on the year-end evaluation form. Areas of strengths will be noted, and a plan will be formulated to address any areas of weakness. If the evaluation is negative and the review falls at the end of a contract period, the coach will be notified in writing as specified in section 4.f. Notification Date, of the Faculty Handbook "Rules of Appointment and Tenure for Academic Faculty." A head coach or assistant coach with no "head" coaching responsibility on an extended contract (two or three years) will not be terminated in the final year of the contract unless the coach has been notified in writing of previous shortcoming that would need to be improved upon to the satisfaction of the athletic director or head coach during the final year of the contract.

b. First Five-Year Review. Because of the variety of forms of instruction, and the multiplicity of tasks that are required in coaching, the PEACOR will examine all possible avenues to assure that evidence of coaching and teaching excellence is assured. A satisfactory review is required in order for the head coach to be considered for a renewable five-year contract. This review should clearly show that the coach is already an outstanding head coach and teacher. All review materials must be submitted to the committee by March 1. The committee will gather assessment information in the following ways:

i. The Candidate

- (a) The head coach will provide a complete vita of all professional accomplishments and service contributions, as well as a self-evaluation that concentrates on these accomplishments and contributions with reference to the criteria listed in section 1.g.vii., above. This self-evaluation should also address the coach's plans for future professional growth.
- (b) The coach will provide copies of organizational plans, playbook, published articles, etc., and any other data to support their coaching abilities and professional growth.
- (c) To furnish the PEACOR with a list of professional colleagues outside Middlebury who would be appropriate to evaluate the candidate's professional achievements. A minimum of four will be required.
- (d) The candidate may seek up to two written comments from non-departmental colleagues from within the college community.
- (e) Seek written comment from the admissions office liaison, if it is applicable.
- (f) To provide PEACOR through the director of athletics, or the director's designate, an appropriate schedule of practice or physical education class visits.

ii. Physical Education and Athletics Committee on Reappointment (PEACOR)

- (a) To meet with the candidates for the first review, in a group or individually, to explain to them the procedures; and to invite the candidates to submit, either orally or in writing, any additional information that may be pertinent to their reviews. A candidate's decision not to submit such materials is in no way prejudicial to reappointment.
- (b) The PEACOR will utilize all of the evaluative tools that are used in the annual reviews, and will have access to previous yearly performance reviews. The athletic director will include a summation of these evaluations for the committee in order to bring perspective.
- (c) To arrange with the candidate an appropriate schedule to observe at least one practice and/or physical education class and one scheduled athletic contest.

iii. Dean of the College

- (a) To initiate the review in a timely fashion so that all necessary information and documentation may be obtained from the candidate and other sources.
- (b) To solicit information, on behalf of the PEACOR, from candidates under review; to gather information from other sources when so requested by the PEACOR.
- (c) To serve as recording secretary of the PEACOR.
- (d) To provide counsel to the PEACOR during the course of its deliberations.
- (e) To provide counsel to the president when the PEACOR's deliberations are completed.

iv. Director of Athletics

- (a) To maintain the candidates' review files, including teaching evaluation forms.
- (b) The director of athletics will seek written peer reviews from all department members with senior associate or associate status not serving on PEACOR and will write a letter, without attribution, that summarizes views of those department members. At the discretion of the director of athletics a candidate may be asked to write a letter for a colleague under review.
- (c) To serve in an advisory capacity to the PEACOR during the course of its deliberations.

v. President

- (a) To hear reports from the PEACOR on the substance of its conclusions about each constituent part of the case and about the case as a whole.
- (b) To consult with the dean of the College about the individual cases.
- (c) To challenge any conclusion of the PEACOR with which he or she disagrees and give the PEACOR an opportunity to respond.
- (d) In the case of a reversal of the committee's recommendation, to explain to the committee the reasons for doing so, reasons which in a written summary become part of the review file.
- (e) To make the final decision and to notify the candidate in a letter that indicates the recommendation of the PEACOR.

c. Second Five-Year Review. The procedure for review will be exactly the same as for the first five-year review.

d. Seven-year Review. The procedure for the review will be exactly the same as for the second five-year review. Outside recommendations will not be sought by the committee, but may be provided by the coach.

e. Confidentiality and Access for review materials in the Department of Physical Education and Athletics. Letters from students, and from peers both within and outside the institution, are always confidential, and will be made available to the candidate only in the event of a contract being denied. All student evaluation forms will be made available to the candidate, as well as to the committee. The athletic director will include a summation of these evaluations for the committee in order to bring perspective. This summation will be made available to the candidate, prior to its submission to the committee. The athletic director will also write a letter that summarizes, without attribution, the written views of the department members with associate or senior status in the department and it will be available to the candidate at the time it is submitted to the committee. The dean of the College, the provost, and the president, as well as all members of the PEACOR will have access to all the materials requested in section **b**, above.

Appeal Procedures

a. Appeal of Non-reappointment

i. Grounds for Appeal

A faculty member who has received notice of non-reappointment may appeal that judgment on the basis of either procedural errors or violation of academic freedom that may have influenced the academic department or program, and/or the Reappointments Committee or the Promotions Committee, and/or the president.

ii. Procedures for All Appeals

The faculty member must notify the secretary of the Appeals Council of intent to appeal in writing within 10 days of receipt of notification of non-reappointment.

The secretary informs the provost and the Reappointments Committee or the Promotions Committee of the intent to appeal.

The faculty member must submit his or her appeal and the grounds for the appeal (academic freedom or procedural error) to the secretary of the Appeals Council within 20 days after receipt of notification of non-reappointment.

The Appeals Council will select an Appeal Committee to evaluate the grounds of the appeal. The Appeal Committee does not reconsider or judge the reappointment decision itself, which remains the charge of the Reappointments Committee or the Promotions Committee and the president. The Appeal Committee will be composed of three members of the Appeals Council. In no case will a member of the Appeal Committee be a member of the appellant's department or someone who was involved in the reappointment review in another capacity.

The appellant is informed of the composition of the Appeal Committee by the secretary of the Appeals Council, and may request, for good cause, within a week of notification, that any member selected be disqualified from serving on the committee. Individual panel members may also request, for good cause, such disqualification. The Appeals Council decides on the validity of any such requests.

The Appeal Committee meets with the appellant, the Reappointments Committee or the Promotions Committee, and with any other persons it deems appropriate over the course of its investigation of the appeal. The Reappointments Committee or the Promotions Committee explains to the Appeal Committee the procedures followed in arriving at its recommendation and the reasons for the recommendation. The president explains to the Appeal Committee the procedures followed in reaching his/her decision and the reasons for the decision. The committee has access to all written documents pertaining to the reappointment decision. The contents of those documents, and all other substantive matters pertaining to the committee's investigation, are held strictly confidential. The burden of proof rests with the faculty member. At the conclusion of the investigation, the chair of the Appeal Committee submits the committee's findings, in writing, to the president, members of the Reappointments Committee or the Promotions Committee, the provost, and the appellant. The appellant may request meetings with the Appeal Committee before its investigation begins and at its conclusion.

The Appeals Council will inform the appellant of its findings within 60 days of the date the appeal was submitted to the Council. In the case of an appeal submitted after April 15, the Appeals Council may determine that the appeal will be considered at the beginning of the subsequent fall. In such cases, the Appeals Council will inform the appellant of its findings within 60 days of the beginning of the fall term, no later than November 10.

iii. Appeal on the Grounds of Violation of Academic Freedom

If the Appeal Committee concludes that the appeal on grounds of a violation of academic freedom lacks adequate foundation, the president will dismiss the appeal.

If the Appeal Committee concludes that there are grounds for appeal on the basis of academic freedom, the president will notify the Board of Trustees and ask that the board conduct a hearing.

The board designates one of its standing committees, or appoints a committee, to hold the hearing. The hearing will be conducted in a manner that will afford the faculty member fair opportunity to present his or her case and to permit the committee to inquire into it. Should the faculty member so request, a portion of the hearing will be conducted with the president not present. The provost will remain present throughout the appeal and maintain a record of the proceedings. The decision of the trustees is final.

If the final decision is to reject the appeal, the non-reappointment of the faculty member shall stand, and the president will so inform the appellant. If the decision is to uphold the appeal, reappointment shall be offered to the faculty member on terms no less favorable than the terms of his or her current appointment.

iv. Appeal on the Grounds of Procedural Error

If the Appeal Committee concludes that there are grounds for an appeal on the basis of procedural errors, the chair of the Appeal Committee will direct the relevant parties to correct all of the errors cited in its report within a specified timeline, and will direct the parties to notify the chair in writing when the procedural errors have been corrected. The Appeal Committee's findings with regard to matters of procedure are binding on all parties. When notification of all corrections has been submitted to the Appeal Committee, the chair of the Committee will forward this information to the president, the provost, and the Reappointments Committee or the Promotions Committee. The provost will then charge the committee that made the original recommendation with reconsidering its recommendation while avoiding procedural violations. If the Appeal Committee determines that a procedural error occurred, but was immaterial to the outcome of the review, the fact that an error occurred is not in itself grounds for upholding the appeal. The Appeal Committee may note the error in its report, but conclude that it does not warrant a reconsideration of the recommendation.

If after reconsideration as the result of an appeal the Reappointments Committee or the Promotions Committee recommends reappointment, the president shall reconsider his/her decision.

If the Appeal Committee concludes that the appeal on the grounds of procedure lacks adequate foundation, the Appeal Committee will dismiss the appeal. Upon completion of its deliberations, the Appeal Committee will prepare a confidential report to be used by future appeal committees summarizing the nature of each proposed procedural error and the Committee's decision. All information identifying individuals or departments will be excluded from the report. Copies of the section of the handbook on the rules of appointment and tenure from the year of the appeal will be filed with the report.

Research Leave Program

1. PURPOSE OF THE PROGRAM

Leaves of absence are granted to enhance the scholarly and teaching capacity of the individual faculty member and to promote the general interest of the College.

2. BASIC ASPECTS OF THE PROGRAM

a. Normally, a minimum of four consecutive academic years (eight consecutive semesters, when the last leave was a semester leave) should elapse before a faculty member becomes eligible for a one-semester leave, and, with the exception of the leaves described in paragraph c. below, five years in the case of a full-year leave. Exceptions are sometimes made in the case of intervening familial or disability leaves. Tenured colleagues may request that a future leave be split between an accelerated semester leave that occurs after five consecutive semesters of teaching, and a second semester of leave that is taken five semesters later. A colleague must have taught full time during the academic year preceding a leave. Departmental and College planning shall have top priority in determining any exceptions to the policy of the leave of absence program.

Leaves are granted on the basis of a leave proposal submitted to the dean for faculty development and research (DFDR) and are granted, following approval of the proposal by the DFDR, for one semester and winter term at 75 percent of regular salary during that period, or for a full academic year at 55 percent of regular salary, or, if an accelerated semester leave is approved, for a single semester and winter term at 55 percent of regular salary.

Requests for accelerated semester leaves are made to the DFDR, at least three semesters in advance of the proposed leave, and must involve a specific research rationale for why such a leave is appropriate to the colleague's research program. The colleague's department chair will be consulted regarding the effect on departmental curriculum, including advising, thesis advising, and other obligations. A colleague who splits his or her leave into two semester leaves, and wants winter term off each of those years, must teach 2 winter terms between leaves.

b. Colleagues, with the assistance of the Sponsored Research Office, are expected to seek outside funding in support of their leave proposals. They are also expected to apply to sources for which they are eligible as determined by the DFDR in consultation with the colleague and the Sponsored Research Office. Colleagues should make every effort to apply for grants that total up to 45 percent of salary for full year leaves and 25 percent of salary for semester/winter term leaves. It is understood that the College provides 75 percent for a semester leave and 55 percent for a year's leave. A colleague may not receive more than his or her full salary plus summer support (2/9), even when the leave salary is fully supported from external sources.

Once outside funding sources have been exhausted, the College will then consider paying (1) up to 100 percent of regular salary in support of a semester/winter term leave when it is taken after four full years of teaching, (2) 80 percent of regular salary for a full-year leave, or (3) 80 percent of regular salary for a semester leave when it is an accelerated semester leave taken after five consecutive semesters of teaching. The amount of an outside grant to a faculty member, and/or the amount of outside funding plus College funding, will not normally exceed the amount of the faculty member's own regular salary for the year in which the leave is taken. In the case of full-year leaves, if a colleague receives outside funding, the first 20 percent is used to make up the difference between 80 percent and 100 percent of salary; further outside funding reduces the College contribution accordingly.

c. Faculty may become eligible for a full-year leave after four consecutive academic years of teaching. Such leaves are granted at 55 percent of salary, with no increase in salary after outside funding sources have been exhausted, and with no College supplementation of outside funding that the faculty member may receive.

d. All faculty who apply for outside funding are required to submit to the DFDR copies of proposals sent to granting sources whether or not the awards involve institutional commitments. The College cannot guarantee leaves to faculty who have applied for and received outside funds for a year in which they are not scheduled for academic leave. However, requests for out-of-sequence leaves may be considered when a colleague is offered an unusual professional opportunity.

e. Colleagues who seek funds for summer salary during academic leaves must discuss with the DFDR the impact of these funds, if awarded, on College contributions to the academic year salary. A colleague may seek summer support of no more than two-ninths of the academic year salary.

f. When the needs of the department or the College lead the administration to request that a colleague postpone a full-year leave according to the normal rotation, after six years of full-time teaching the automatic amount of salary paid shall be 75 percent, rising to 90 percent once outside funding sources have been exhausted. If personal circumstances lead a colleague to choose to put off a leave, the normal funding rules will apply (see a. and b. above). The intent to take a full-year leave after six years must be announced at least three semesters in advance and must be accommodated in departmental planning.

g. Normally, a leave of up to a full year for junior faculty colleagues will be scheduled for the second or third year after the first review, if that review is successful and provided the colleague has completed the Ph.D. or the appropriate terminal degree. The leave schedule for colleagues who come to Middlebury with prior service at other institutions will be determined at the time of appointment. Normally, colleagues are expected to teach for at least three years after their initial appointment before they are granted a leave.

h. Faculty going on leave may be eligible for partial reimbursement of moving expenses to and/or from the principal place of leave activity. Such grants will be made, upon presentation of proper documentation, at the discretion of the DFDR. They will normally be made only to those faculty members whose research or other leave activity takes place outside Middlebury, and who will be leaving Middlebury for at least three months of their leave. They will not normally be made to those faculty members granted leave to take outside employment. If the budget of a grant won by a faculty member includes funds to support the expenses of relocation, the College's contribution to relocation expenses will be reduced accordingly.

i. Any publications that result from a College-funded leave should acknowledge the support of Middlebury College.

j. Upon completion of leave, a full report on the faculty member's scholarly activity should be sent to the Office of the DFDR, for inclusion in his or her file. Faculty must submit the report by September 1 following the leave in order to become eligible for future leaves.

3. IMPLEMENTATION

a. The needs and resources of the College program, and the ability to plan, shall be a major factor in the implementation and maintenance of the leave program. The exact timing of individual leaves is subject to change due to department, program, or college needs.

b. The leave program shall be administered by the DFDR, who will recommend annually to the president and Board of Trustees faculty members to be granted leaves of absence for the following year. The Educational Affairs Committee shall be consulted regarding the programmatic and staffing implications of a series of leaves and shall make recommendations to the provost regarding any leaves to be replaced by outside appointments.

c. Faculty whose names appear on the leave schedule for the following academic year must submit a leave proposal and a plan for seeking outside funding in support of that proposal to the Office of the DFDR no later than August 1.

d. Department chairs requesting outside term replacements for colleagues on leave must submit their proposals for replacement positions to the dean of the faculty, for consideration by the Educational Affairs Committee, no later than August 25 of the academic year preceding the leave.

[Sections 2a, 2b, 2d, 3a updated 8-Sep-2008]

Faculty Professional Development

a. *Professional Consultation.* At least two terms before the first review (normally during the third semester of teaching), a faculty member on regular appointment will invite the department chair and one other tenured colleague to visit one class each. The faculty member will also discuss progress in scholarship with the chair of the department. Before the end of the term in which these visits occur, the chair will hold an oral consultation with the faculty member about his or her teaching and scholarship, based on the class visits, on the chair's reading of course evaluations, and on the faculty member's progress in

scholarship. The other senior colleague who visited classes will be present at this consultation. The dean for faculty development and research (DFDR) will ensure that this process takes place.

b. Faculty Professional Development Fund. The general purpose of the Faculty Professional Development Fund is to benefit the College by strengthening the faculty in its various professional capacities. The fund supports a wide variety of faculty activities, including: research expenses; travel to research sites; professional conferences and workshops; pedagogical and course development; additional training; and purchase of materials needed for teaching and research (which are not readily available). Up to \$150 may be requested for payment of membership fees to professional organizations. The FPDF not only supports ongoing research, but also may be used by faculty who wish to develop new teaching materials and methods, or who need to develop new skills and expertise (consistent with the College's academic mission).

The fund is administered by the DFDR. Faculty should plan their research and travel activities in advance in order to meet application deadlines. Applications are due a minimum of two months before the travel date or project start date. An application form is available on the [Academic Affairs website](#). A hard copy of the form should be submitted to the DFDR before the appropriate deadline. The application requires the signature of the department chair (or the DFDR if the applicant is a department chair) and should include a detailed budget. When available, program descriptions for workshops and short courses should be appended to the application.

Travel expenses will be reimbursed for the most economic fare or means: automobile usage at the current mileage rate and air travel at coach or economy rate. Reimbursement for living expenses while pursuing research will normally be subject to federal per diem rates for periods up to two weeks, with a maximum of \$1500 per month. This limit does not apply to short-term travel to professional meetings. All expenses subvented by a grant must be documented with original receipted bills. When a project involves the hiring of assistants, the jobs must be offered first to Middlebury College students. Faculty members should consult the student employment coordinator in preparing a budget. The coordinator will advertise the position and arrange for interviewing of qualified candidates for the position. Only if no qualified students can be found may others be hired. Recognizing that going to conferences is an important aspect of one's professional activity, but also recognizing that funds are limited and need to be used for an increasing number of professional development opportunities, proposals for travel that include paper, poster, or artistic presentations, serving as discussant, or chairing sessions, will receive greater priority and greater levels of funding than those that do not.

The following activities and expenses will not be supported by the Faculty Professional Development Fund:

1. Journal page charges. A separate fund exists for this purpose. A Scholarly Publication Subvention Fund (SPSF) application form and bills should be submitted directly to the DFDR.
2. Research leading to the completion of a terminal degree.
3. Personal journal subscriptions.
4. Books.

It must be emphasized that the Faculty Professional Development Fund is not large enough to cover all out-of-pocket expenses for faculty travel and research and that grants from the fund are not an entitlement. It is often necessary to deny some requests and reduce others. Faculty frugality and restraint are essential ingredients in making the fund serve the faculty and the College as well and as fairly as possible.

Research Policies

Research involving animals must be approved in advance by the Institutional Animal Care and Use Committee. Contact Professor Steve Trombulak, the committee chair, for procedures and forms.

Research involving human subjects must be reviewed by the Human Subjects Review Committee (Institutional Review Board). The committee's procedures and forms are available at <http://www.middlebury.edu/administration/stss/irb>. Further information may be obtained from Professor James C. Davis, the committee chair.

Misconduct in Research - Policies and Procedures

1. Definitions: Research misconduct means falsification, fabrication, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting, or reviewing research, or in reporting research results. For the purpose of this document, we consider the term "research" to encompass both research and scholarship. Misconduct includes retaliation of any kind against a person who in good faith reported or provided information about possible misconduct. It does not include honest error or honest differences in interpretations or judgments of data. The term "respondent" refers to the person who has allegedly engaged in research misconduct.

2. Allegations of misconduct on the part of a faculty member should be reported to the dean for faculty development and

research (DFDR) who will treat any allegation as a confidential matter. If the dean determines that the concern is indeed one of possible misconduct in research, he/she will discuss the inquiry and investigation procedures with the individual who has questioned the integrity of the research. The individual may then choose to make a formal allegation and/or the dean may decide that there is sufficient cause to warrant an inquiry. If an inquiry is to be initiated, the provost will be notified, since he/she is the person who must appoint the inquiry committee.

3. Once a formal allegation has been made, the DFDR will act to sequester all research records of the respondent as the initial step of an inquiry to gather factual information. The inquiry will be conducted by a committee, appointed by the provost, consisting of a total of three to five members who have the appropriate background to judge the issues being raised. The DFDR will also sit with the committee as a non-voting member. Standing committees that deal with research issues (e.g., Institutional Review Board for Human Subjects Research, Institutional Animal Care and Use Committee) may be used as one source for members of an inquiry committee. Committee members may be from within or outside the Middlebury community, and must have no real or apparent conflicts of interest bearing on the question. The inquiry will ordinarily be completed within 60 days. All specific requirements concerning timing, reporting, documentation, and confidentiality will be met, in accordance with the appropriate federal regulations or the policies of any agency or organization funding the research.

4. If the inquiry committee determines that the facts warrant a formal investigation, such an investigation will be initiated within 30 days. The purpose of the investigation will be to explore further the allegations and determine whether misconduct has been committed. The investigation committee will be appointed by the provost, using the same criteria of research expertise and lack of personal relationship or conflict of interest with the parties involved, as suggested above for the inquiry committee; at least one member of the review committee will be from outside the Middlebury community. The investigation will ordinarily be completed within 120 days. All specific requirements concerning timing, reporting, documentation, and confidentiality will be met, in accordance with the appropriate federal regulations or the policies of any agency or organization funding the research.

5. The investigation committee will submit its report to the provost. If the investigation committee determines that research misconduct on the part of a faculty member has indeed occurred, the provost, after appropriate consultation, will determine what sanctions to impose or what further disciplinary procedures should be undertaken.

6. A faculty member found to have committed misconduct in research and against whom sanctions are imposed by the provost may appeal the provost's decision to the president. The appeal must be filed within 10 days.

Reprints and Subvention

The College will assist faculty with production costs and reprint costs for scholarly publications through the *Scholarly Publication Subvention Fund (SPSF)*. All requests should be made using the application available on the Academic Affairs web page and sent to the office of the Dean for Faculty Development and Research (DFDR).

1. **Reprints.** Assistance will be in the form of the cost of 100 reprints, normally not to exceed \$300 for a single set.

2. **Page Charges, Submission Fees, and Copyright Fees for articles.**

3. **Scholarly Books and Artistic Works.** Assistance will be provided (as funding permits) for tenured and tenure-track faculty to cover production costs when an academic publisher requires a subvention as a condition for publication. It may also be used for indexing, copyright or permission fees, or copyediting (i.e., copyediting of the final version of a manuscript after it has been accepted for publication). The funds for copyediting will only be paid to an independently-hired editor (not to the publishing press). The maximum grant amount for each book project is \$2,000 and repayment is not required. Faculty members may apply to the dean of the faculty for a loan to cover production costs in excess of \$2,000. Such loans are to be repaid by payroll deduction over a period not to exceed 24 months at an interest rate to be established at the beginning of each academic year. The remaining terms will be negotiated between the applicant and the dean as part of the application process.

Applications may be submitted at any time and should include a written contract with a publisher (if applicable). The faculty member may not be the publisher, producer, or agent.

Contracts and Grants Policy

Please note: In light of ongoing changes in federal regulations and administrative structure, this section must be revised yearly. Please check with the dean for faculty development and research, the dean of the faculty, the Sponsored Research Office, or the office of Corporate and Foundation Relations if you have questions regarding administrative policies or procedures.

1. The provost, the dean of the faculty, the dean for faculty development and research, the Sponsored Research Office, and the office of Corporate and Foundation Relations all provide assistance and administrative coordination for applications requesting funds from government agencies, foundations, corporations, and other sources. Day-to-day responsibilities are delegated to either the Sponsored Research Office, or the office of Corporate and Foundation Relations, as appropriate, which will work with faculty to assist with grant applications. When notification of an available program comes directly to a department and the department wishes to make application for a grant, the Sponsored Research Office, or the office of Corporate and Foundation

Relations, as appropriate, should be notified of this intent as soon as possible (not later than one month in advance of the closing date for the application). Scheduling should be coordinated with the Sponsored Research Office, or the office of Corporate and Foundation Relations, as appropriate, to allow two weeks for the review of draft proposals in appropriate administrative offices. Direct and indirect costs must be computed, and, in cases for which College matching funds are required, the necessary administrative approval must be obtained.

2. Each research project proposal to an outside agency requires the approval of the chair of the department in which it originates. In this approval the department chair certifies that the proposed project is consistent with departmental and College research objectives and policy, that space and facilities for effective performance are available, and that the individual initiating the proposal and such other personnel as may be required will be available without interference with their academic duties and will be able to perform the research effectively.

3. Following approval by the department chair, the research proposal must be approved by the dean for faculty development and research as well as the dean of curriculum if the proposal includes academic equipment purchases or curriculum obligations. An endorsement from the provost, the dean of the faculty, or the vice president for Language Schools, Schools Abroad and Graduate Programs may also be required. Modifications of the proposal as they may deem necessary or desirable shall be made at this time.

4. Under some circumstances, it may be possible to include budget lines to pay for released time in a grant application. Faculty who wish to do so must consult with the department chair as well as the dean for faculty development and research early in the grant conceptualization and writing process so the dean may assess the impact of a course release on department and college curricula. The primary factors in deciding whether or not to allow inclusion of requests for released time in grant applications are the ability of the department to find a replacement and/or the impact of losing a course on the department/college curriculum. The following guidelines apply:

- a.** The primary mechanism for course buy outs should be winter term course releases.
- b.** Having a course release does not reduce obligations in advising, committee service, or chairing departments and programs.
- c.** In order to ensure continuity in the curriculum and equity in course loads, no more than three years out of a five-year period may include grant-funded released time.
- d.** It is expected that faculty with course releases will mentor more research students. Wherever possible, funds to pay for student research assistants should be built into the grant budget.
- e.** Compensation to the college is computed at 18% of the faculty member's annual salary per course, plus benefits, (assuming a 5.5 unit course load).

5. Applications approved by the aforementioned officers must be reviewed by the Sponsored Research Office or the office of Corporate and Foundation Relations, as appropriate, to ensure compliance with College and Federal Government requirements. The following guidelines apply:

- a.** If academic policy permits instructional personnel to devote time during the academic year to research contracts or grants, the approval as appropriate of the department chair, the provost and/or the dean of the faculty will indicate the proportion of time allotted to research in determining the proper allocation of the academic year salary between research and instructional work.
- b.** Applications incorporating provisions for extra pay for research work normally will be approved to provide for up to two months of extra work during the summer. One month's summer salary is equal to 1/9th of the annual contract salary for the prior academic year. Exceptions to this policy must be approved by the provost.
- c.** The budget incorporated in the project application should make the maximum allowable provision for indirect cost reimbursement.
- d.** All direct costs comprehensively defined shall be reflected in the budget incorporated in the project application. When faculty apply for outside funding, the level of support from the College is understood to be 75 percent for a semester leave and 55 percent for a year's leave.
- e.** The adequacy of provisions in the proposed budget for equipment, building alterations, power consumption, etc., must be verified by the Controller's Office in consultation with the budget director, the director of facilities management, and other appropriate officials and the chair of the department originating the proposal; provisions for salaries must be made in consultation with the dean of the faculty or director of Human Resources, as appropriate. All applications in which support is requested for the purchase of computers or software or central technology needs must be approved by the dean of library and information services or her designate.
- f.** If the application calls for matching funds to be provided by the College, the Internal Endorsement Form must include the College budget number from which these matching funds will come and an authorizing signature.

g. If the application calls for purchase of equipment requiring maintenance after a warranty period, there must be a budget number to be charged for maintenance.

h. All grant proposals must disclose any family relationship between the project director and anyone named in the proposal. No family members may be paid with grant funds unless that relationship was disclosed in the proposal or disclosed to the Controller's office after receipt of a grant award.

i. Any "Significant Financial Interest" (as defined by federal and college policy) must be disclosed to the Controller at the time of submission, or after a grant is funded, at the time such a potential conflict of interest arises.

j. The application and/or letter transmitting it to the sponsor must state that payment of the contract or grant be directed to the controller and disbursements from it made under his or her direction. All accounting and financial reports will be handled by the controller.

6. The controller or designated assistant controller is authorized to sign all research grant applications on behalf of the College when he or she is satisfied that all the above conditions have been met. A copy of the complete proposal must be provided to the Sponsored Research Office or the office of Corporate and Foundation Relations, as appropriate.

7. Upon receipt of contract or grant funds in response to an application approved and executed as set forth above, all procedures then in effect for disbursement of College funds from the regular College budget shall apply. The College cannot be less scrupulous in handling such research funds than in handling its own funds, and in some instances will be called upon to observe even more meticulous requirements.

Commitments to pay for additional personnel must be cleared with Human Resources before such commitments are made. All purchases must be covered by purchase requisition identified with the budget number and cleared through the purchasing agent in advance of making the purchase commitments. Determination of whether or not proposed purchases or other charges are allowable under the terms of a grant or contract will be made by the controller, who may require in cases of reasonable doubt the prior approval of the sponsoring organization.

8. Middlebury College has a primary responsibility for the scholarly needs of its faculty. Middlebury also recognizes its concern for the continued scholarly productivity of faculty departing for other institutions.

When a departing faculty member requests release of certain research equipment brought to Middlebury through a personal research grant, the College will consider release of equipment to the other institution concerned on an individual basis and in accord with the following guidelines:

a. The equipment is critical to the investigator's research, and

b. It will not or cannot be supplied by the institution to which he or she is going, and

c. It is not critical to faculty research at Middlebury, and

d. The conditions under which the equipment or funds used to purchase it were secured do not preclude disposition. "Critical" equipment is defined as equipment essential to research personally conducted or directed by the faculty member. The individual requesting the equipment has the responsibility for demonstrating to the College his or her need for that equipment for the continuation of his or her personal research.

Consulting and Outside Employment Policies

External consulting arrangements by faculty members which will enhance the individual's professional competence and/or provide a community service are encouraged, provided such arrangements do not interfere with the primary responsibilities of the individual to the College. The exercise of good judgment of all concerned is essential in determining what the proper balance of outside commitments against the individual's obligations to the College may be in each case. Faculty must gain the assent of the dean of the faculty or his or her designate in advance of making contractual arrangements or continuing commitments. The equivalent of four days per month will be considered the permissible maximum commitment for this type of consulting activity.

Appointments to another institution in an adjunct, lecturer, or part-time capacity while the individual carries a full-time faculty appointment at Middlebury must not be undertaken without prior approval of the dean of the faculty or his or her designate.

These guidelines are meant to apply during the September through May academic session.

Payment for Faculty Lectures Policy

From time to time faculty members are asked to present lectures and readings, to participate in panels, to speak with alumni groups, or in other ways to offer their time and professional knowledge to the larger College community. While this kind of activity is always secondary to teaching and research, it is an aspect of community service which the College encourages and honors. Invitations to serve the College in these ways should be considered public recognition of special accomplishment as teachers.

Normally, faculty members are not paid extra for these services, except for Alumni College and off-campus alumni events.

Special Provisions (associate status, release from contract, termination of appt)

SPECIAL PROVISIONS OF APPOINTMENT

a. Associate Appointment

i. Purpose

Appointment with associate status is designed to allow particular individuals to reduce their teaching responsibilities at the College for limited periods without interrupting their normal employment. The reasons for requesting associate status may include, for example, the need to fulfill familial obligations, the wish to engage more fully in scholarly or artistic projects, or other forms of professional development, or the wish to reduce one's teaching obligations for a few years before retirement.

ii. Conditions

With the exception of colleagues nearing retirement (that is, those colleagues who have passed their 60th birthday), faculty on associate status are normally expected to be in residence at the College for the entire academic year and to fulfill normal advising and service responsibilities. Colleagues on associate status who have passed their 60th birthday by September 1 of the academic year in question are required to be in residence during either the fall or spring term. Other faculty members who wish to be excused from normal advising and service responsibilities must apply for a regular leave of absence through the Educational Affairs Committee.

(a) Requests for associate status for purposes of professional development will, if granted, be treated as leaves of absence. Handbook guidelines will govern the eligibility of colleagues granted associate status for future leaves of absence.

(b) Associate status may be requested for a maximum of three consecutive years and, normally, for no more than a total of six years during the period prior to the faculty member's 60th birthday. After the 60th birthday, faculty may remain on associate status for up to five years preceding retirement.

(c) Colleagues on associate status are expected to teach three instructional units, with two units taught in either the fall or spring term and one unit taught in Winter Term. If it is beneficial to the department or program curriculum, colleagues may be permitted to teach three instructional units solely in either the fall or spring term. Normally, a colleague who is on associate status will receive 5/9ths of his or her full-time salary.

(d) Colleagues on associate status will be eligible for travel and research support from the FPDF.

(e) Requests for associate status of whatever sort will be governed by a goal of maintaining from year to year, and over the years, an FTE ratio of 9:1. It should be understood that commitment to a multi-year associate status arrangement may affect the leave patterns of other full-time faculty, both within and beyond the department directly affected by the request.

iii. Appointment Procedures

A faculty member on regular appointment at any rank may request associate appointment for limited periods of time ranging from a year to a maximum of three years before resuming regular teaching responsibilities. Such requests will be made to the provost or his or her designate. The deadline for requesting associate appointment in any given academic year is September 1 of the year prior.

(a) Those requests that seek time off for purposes of professional development will be considered by the Educational Affairs Committee as requests for leave without pay. A letter from the department chair and the chairs of any affected programs must accompany each request. This letter should comment upon the proposal and present a strategy for replacing the colleague making the request. Time off or reduced teaching in order to complete a terminal degree shall not be considered professional development.

(b) Those requests that seek time off for purposes other than professional development will be considered by the dean of the faculty, in consultation with the Promotions Committee, and a recommendation will be advanced by them to the president. A formal letter of appointment spelling out the agreed-upon arrangements will be sent by the president to the individual faculty member and the department chair. The Educational Affairs Committee will be consulted where staffing implications are involved. A letter from the department chair and the chair of any affected program must accompany each request. This letter should comment upon the proposal and present a strategy for replacing the colleague making the request.

(c) The president, after appropriate consultation with the faculty member's department, the Promotions Committee, and the Educational Affairs Committee, will decide on the request. If associate appointment is agreed to, a formal letter of understanding from the Office of the President or the Office of the Provost will set forth the conditions of the appointment. Instructors and assistant professors who move to associate appointment retain the term of appointment current at the time that change is granted. A faculty member who moves to associate appointment after the fourth year of appointment but prior to the review for tenure, and who subsequently fails to be given a tenured appointment, is normally not eligible for continuation as an

assistant professor beyond the one-year terminal appointment stated in *General Provisions* 1.e.iv. Tenured faculty who move to associate appointment retain tenure and are reviewed on the normal schedule.

b. Release from Contractual Obligations

i. The contract of appointment of a member of the faculty of Middlebury College may not be terminated by the College prior to the expiration of the period of appointment except for adequate cause as specified in section c. below or under extraordinary circumstances because of serious financial emergency.

ii. The contract of appointment of a member of the faculty may be terminated if the faculty member himself or herself requests release. In order to receive consideration, the request must be presented in writing to the president, and it should call for an effective date coinciding with the concluding date of the academic year so as to avoid disruption of the work of the College. The request should be dispatched early enough to be in the president's hand no later than the July 1 preceding the effective date if the faculty member concerned is a professor or associate professor; no later than August 1 if he or she is an assistant professor or instructor or lecturer. Waiver of these dates may be granted by the president upon specific request in writing if, in his or her judgment, compliance with them would impose hardship upon the faculty member.

c. Termination of Appointment

i. Termination for Cause

Faculty on appointment for any term, including tenure, may have their appointment terminated prior to the terms of the appointment by special action of designated and appropriate College authorities for sufficient reason and according to the procedures outlined below.

Termination of tenure appointment for any reason may be undertaken only in the most exceptional circumstances and only for the most compelling reasons. Tenure is a primary protection for academic freedom and contributes to the stability necessary for the development of the College. At the same time, however, tenure is not simply a guarantee of life-time appointment to retirement. Specific serious offenses may result in termination for cause. A continued pattern of teaching performance which is judged to be below minimally acceptable standards may also result in termination. In all instances of a consideration of dismissal for cause, the faculty member shall be secure in his or her right to a fair and impartial hearing.

The Promotions Committee may review the appointment of any faculty member for cause at any time. Review for cause is initiated by recommendation of the provost to the president. Review for cause is undertaken only when termination of employment is contemplated.

The president, if he or she deems it advisable, may designate an individual other than the provost to carry out the functions of that office, as set forth below.

ii. Grounds for Termination for Cause

(a) Flagrant and deliberate violations of the rules and procedures of the Middlebury College faculty; persistent failure to carry out specified teaching assignments as these are determined by a department or by the Curriculum Committee of the College. Action cannot be taken under the latter clause against a faculty member whose academic directions have not changed but who is a member of a department which has undertaken new directions and therefore has developed new needs.

(b) Abuse of authority as a teacher; actions that intimidate others or constitute a "chilling effect" on the freedom of thought necessary in an academic community; behavior which fundamentally corrupts scholarship or teaching.

(c) Actions that are willfully destructive of College facilities; serious criminal behavior.

(d) Teaching ineffectiveness. (Procedures defined below in subsection iii.)

iii. Grounds for Termination for Teaching Ineffectiveness

Tenure cannot be an impregnable barrier against sanctions for general teaching performance that is judged by competent authorities to be below a minimally acceptable level for the College. The chairs of departments, the dean of the faculty, and the provost all bear direct responsibility to take steps to correct seriously defective teaching. If a chair has reason to believe that a faculty member's teaching performance is seriously defective, the faculty member must be directly approached on this matter and be given a written statement outlining the problems. This statement will be prepared by the chair after appropriate consultation with other members of the faculty, professionals outside the College, current students, and alumni. The chair also will consult with the provost in all such matters and a copy of all correspondence with the faculty member will be filed in the Office of the Provost.

When there is reason to believe that a faculty member's teaching is seriously defective, the chair will not only advise the faculty member of this judgment, but will meet with him or her to see if a program can be developed which will correct the problems as perceived. The College will attempt to assist in this program.

If serious problems persist over a period of years and it is the judgment of the chair in consultation with appropriate colleagues that the faculty member has made no successful effort to correct the situation, he or she may recommend to the provost that action be initiated for termination for cause as set forth below in iv. (b)-(f). (In this instance, the provost cannot act without departmental recommendation.)

iv. Procedures in Termination for Cause

(a) When an allegation of severe professional misconduct has been made, the provost shall make a preliminary inquiry and shall discuss the matter with those administrative officers he or she deems appropriate. If the provost decides that an inquiry should be pursued, he or she shall then meet in confidence with the faculty member to discuss the alleged violation. The faculty member and the provost may each choose to invite a faculty adviser to attend these meetings. If the provost should determine

that there is no basis for a formal review of contract, the matter shall then be dropped with no penalty to the faculty member.

(b) If, after these meetings, the provost concludes that the inquiry should be pursued, he or she shall recommend to the president a review for termination for cause. If the president chooses not to accept the recommendation, the matter shall be dropped without penalty to the faculty member. If the president accepts the recommendation, the matter shall be brought before the Promotions Committee. The president shall make available to the committee such information pertaining to the matter as he or she may possess and shall cooperate with the committee in any inquiries it may deem necessary. The provost shall attend all meetings of the committee relating to the case. He or she shall be kept fully informed of the committee's work and shall keep a record of it.

The committee shall see that the faculty member is promptly informed in writing both of the grounds upon which dismissal for cause is being considered and of the identity of the person or persons bringing the allegation. The faculty member shall be permitted to call upon a faculty adviser of his or her choice to assist him or her (or to act as counsel). The statement given the faculty member shall be framed with due concern for the rights of the parties involved. If the Promotions Committee formulates charges, the faculty member shall have an opportunity to confront witnesses against him or her. The faculty member also shall have the right of access to all records of testimony at the committee's proceedings.

(c) If the Promotions Committee determines that there is no adequate cause for termination of contract, the Promotions Committee may recommend to the president either that the case be dropped without penalty to the faculty member, or that a penalty less severe than dismissal be imposed. Should the Promotions Committee recommend that the case be dropped, the president may either accept the recommendation or ask the board to hold a hearing. If the Promotions Committee should recommend a penalty less severe than dismissal, the president may impose such a penalty and the faculty member may appeal the president's decision to the Board of Trustees.

If the committee determines that there appears to be adequate cause for termination of contract or dismissal, it shall advise the president to that effect. The president shall report the committee's findings, together with his or her own views, to the Board of Trustees. After consideration of the president's report, the board or its designated members shall review the record of the case. If the board determines that there appears to be no cause for termination of contract or dismissal, the case shall be dropped with no penalty to the faculty member; otherwise, the Board of Trustees shall initiate a hearing.

(d) Within seven days of the date when the Promotions Committee forwards its recommendation to the president, the president or, at his or her request, the provost will inform the faculty member in writing of the committee's recommendation and will communicate that recommendation in writing to the complaining individual or individuals. Furthermore, whenever the Promotions Committee has conducted a review for termination for cause, it shall, at the last faculty meeting of the semester in which the review has taken place, report to the voting members of the faculty: (1) the general category (according to *Termination of Appointment* ii. (a)-(d) above) of the allegations brought, and (2) whether the committee advised the president that there appeared to be adequate cause for termination of contract or dismissal. Such reports shall not divulge the names of the faculty member or of any individuals having participated in the review and shall be entered into the records of the faculty. If, during the course of the Promotions Committee's proceedings, the faculty member tenders his or her resignation and the committee therefore ends its review before reaching a determination, the termination of the review and the reason for the termination shall be reported to all individuals having participated in the review, and to the faculty, in the manner prescribed above.

(e) To conduct a hearing, the Board of Trustees shall establish a special Hearing Panel of not fewer than three persons from among its membership. In advance of the hearing, the faculty member shall be formally notified in writing of the specific charges against him or her. The faculty member shall be given full access to the Promotions Committee's proceedings in the case and shall be given fair opportunity to prepare and present his or her defense. He or she shall be permitted to call upon a member of the College community as an adviser. The provost shall keep a complete record of the hearing which may be examined by the persons involved.

(f) If the Board of Trustees finds that the faculty member has engaged in professional misconduct sufficiently severe to justify dismissal, or has been unable or unwilling to correct serious problems in teaching, it shall authorize the president to notify the faculty member that his or her resignation would be accepted. Should the faculty member choose not to resign, he or she shall be dismissed. A faculty member whose conduct has been found to warrant termination of contract or dismissal as a result of such a hearing by the Board of Trustees shall not be offered any subsequent teaching appointment at the College. But when the cause of termination involves any action involving deliberate or intentional harm to others (e.g., harassment), the faculty member shall be offered no subsequent employment of any kind at the College. If the board finds that the faculty member has not engaged in professional misconduct sufficiently severe to justify dismissal, the board shall either dismiss the case with no penalty to the faculty member or shall determine a penalty less severe than dismissal. The decision of the Board of Trustees is final.

(g) From the moment when the provost judges that an inquiry shall be undertaken until the time when the Board of Trustees reaches its finding, the faculty member, when charged with abuse of authority involving intentional or deliberate harm to others, may end these proceedings by resignation only if this resignation is to take effect immediately. In no instance, where the charge against a faculty member is abuse of authority involving deliberate or intentional harm to others, shall the College enter into an arrangement whereby the faculty member charged would agree to take early retirement or to resign effective after a certain period in exchange for the charges being dropped by the College.

v. Institutional Restrictions on Termination

Changes in status or termination may be undertaken only on the most serious grounds. These grounds must be specific and concrete. Considerations of political opinions, race, creed, gender, sexual orientation, gender identity or expression, age, or legally recognized forms of disability are absolutely prohibited, except to the extent that they affect teaching ability. Economic considerations relating to the individual's salary level, length of contract, etc., are positively excluded.

Administrative Appointments - Terms/Conditions

TERMS AND CONDITIONS OF ADMINISTRATIVE APPOINTMENTS

Vice presidents, provosts, deans, chairs, program directors, and heads of administrative departments are appointed by the president and continue in office at the pleasure of the president. In normal cases, such appointments are for a specified term, regularly from three to five years. Appointments take effect on July 1 and continue until June 30 of the year of termination.

Appointments may be renewed by the president or terminated by either the president or the appointee, but, in any event, all such appointments shall be reviewed by the president upon expiration of the stated term.

At the time a department chair is to be appointed, the dean of the faculty shall consult with all members of the department to solicit their suggestions and judgments about possible candidates.

Leaves of Absence (nonacademic)

Leaves for the purpose of research are described in a separate section.

Other leaves are described below. At minimum, faculty are entitled to the unpaid unpaid leave provided by the College's adherence to the Family and Medical Leave Policy for: the birth or adoption of a child; care of self or certain family member(s) with a serious health condition; certain exigencies arising from a family member's call to active military duty; or to care for a family member injured while on active military duty. (See the Employee Benefits chapter in this Handbook for eligibility and other details.)

Medical Leaves

Faculty who find that they need a leave of more than three days for medical reasons should arrange to meet with the dean of the faculty, who will inform the faculty member of applicable policies.

Parental Leaves

A full-time faculty member who either gives birth or adopts a child, or whose spouse or domestic partner gives birth or adopts a child during a semester in which that faculty member would normally teach, and who will be the child's primary caregiver during that time, will be relieved of teaching duties for the entire semester without loss of salary. The faculty member will be granted six weeks of leave with no duties, and will normally be expected to resume non-teaching duties such as committee work, administrative work, academic advising, and supervision of senior work at the conclusion of that time. (However, a faculty member who prefers to take a full familial leave during which time no duties or presence on campus is required for 12 weeks would be on unpaid leave for the second six weeks.)

Additionally, in the event of a birth or adoption that occurs after October 1, the faculty member will be released from teaching for the fall and winter terms. In the event of a birth or adoption that occurs after December 1, the faculty member will be released from teaching during the winter and spring terms. In the event of a birth or adoption during the winter term, the faculty member will be released from teaching during the winter and spring terms. In the event of a birth or adoption between May 15 and the start of the fall term, the faculty member will be released from teaching during the fall term.

If a faculty member in regular appointment is released from teaching for a familial leave under this policy, that faculty member's review schedule will be postponed by one semester, unless the faculty member requests that the schedule not be so postponed. This teaching release policy does not extend the unpaid familial leave benefits provided to faculty, as stated herein.

Other Unpaid Leaves

Any faculty member on ongoing appointment is eligible to apply for leave in order to meet familial responsibilities. Such leaves are without pay and will usually last for a minimum of one semester, with a normal maximum of one year. Normally, only one year of familial leave will be outside the regular scheduling of reviews for reappointment, promotion, and tenure.

The College will do its best to honor such requests, but it is incumbent upon the individual wishing such a leave to apply early enough so that the department affected may have time to plan for a replacement if authorized to do so by the Educational Affairs Committee.

Disability

1. INTRODUCTION

Middlebury College provides two income replacement programs for faculty members unable to work due to disability. The dean of the faculty's office will work with the faculty member and Human Resources to complete any necessary leave and disability pay paperwork and to ensure a smooth transition for the faculty member to and from disability status.

2. SHORT TERM SALARY CONTINUATION

During the first six months of disability the College will extend the current salary of an undergraduate session faculty member for whatever waiting period (up to six months) ensues pending the beginning of benefit payments under a claim for Long-Term Disability benefits or, in the event such a claim is not allowed, for up to six months from the date of disability. Application for Salary Continuance should be made to the dean of the faculty (certification from a physician may be required). Salary payments during this period are net of any sums to which the participant is entitled from Social Security disability.

3. LONG-TERM DISABILITY

An eligible faculty member disabled for a minimum of 26 weeks may receive benefits under the College's Long-Term Disability (LTD) benefit plan. LTD provides 60% income replacement during a qualifying disability (see the Middlebury College Health and Welfare Benefit Plan Summary Plan Description or contact Human Resources for details about this plan).

Death Benefits

IN THE EVENT OF DEATH

In addition to whatever life insurance payment the family of a deceased faculty member may be entitled to under the College's life insurance program, the College will normally provide a Survivor's Death Benefit in an amount equal to:

<i>Years of Continuous Full-Time Service (as Determined by VP for Academic Affairs)</i>	<i>Maximum Months Salary</i>
less than 5	three months
5 – 10	four months
10 – 20	five months
20 or over	six months

The Survivor's Benefit will be made, by lump sum payment, to the faculty member's surviving spouse, civil union partner, or domestic partner (as documented in the College's Office of Human Resources). If the faculty member has minor children, but no spouse/partner, the benefit will be paid for the benefit of the minor children. *Faculty members without spouses/partners or minor children are not eligible for this benefit.*

Housing Programs

Middlebury College Employee Benefits are described in the Employee Handbook chapter of the College Handbook. Because faculty are employed on a contractual basis, specific provisions relating to vacation and sick leave as stated in the Employee Handbook chapter may not be applicable to them. Conversely, faculty may be eligible for specific provisions that are not applicable to general employees.

1. Housing Policy and Program

The purpose of the Middlebury College housing program is to provide temporary housing for faculty and certain administrative staff positions at the time of hire. Housing is meant to be short-term in duration. Employees are encouraged to avail themselves of the Home Purchase benefit as soon as they are eligible. (See below, Section 1.b)

a. College Housing Loan Program

The College's second mortgage program is designed to help eligible faculty and administrative staff to purchase or build a home close to campus. The College desires to have its employees become an integral part of the local community. The primary purpose of the program is to attract and retain faculty and administrative staff members at the College, particularly during economic periods when interest rates and housing costs may prevent or discourage individuals from accepting positions in our area. Furthermore, when employees purchase their own homes, the need for the College to purchase houses in the area is reduced. Home ownership in neighborhoods fosters a stronger sense of community than rental by tenants.

b. Home Purchase

i. Eligibility

Faculty: members of the faculty must have an appointment with tenure or have successfully passed their First Review to be eligible to participate.

Administrative officers of the College are eligible to participate after four years of service with the College or at the time of recruitment.

Physical education coaching staff who have faculty ranking are eligible after five years of service.

Exceptions for faculty and physical education members are granted by the provost. Exceptions for administrative officers are granted by the treasurer.

ii. Conditions

(a) The Loan

(i) The College requires a minimum of 5 percent cash down payment and a first mortgage equal to or greater than the College's second mortgage. The College's second mortgage is not to exceed \$150,000. The College's mortgage may be written for a term of up to 30 years and will carry an interest rate 2 percentage points less than the rate of the first mortgage loan from the bank. The College's mortgage program does not charge points. All bi-weekly loan payments are made by payroll deduction.

- (ii) In the event the employee ends his or her employment with the College, the second mortgage will become due and payable in full.
- (iii) *Security*: The College loan must be secured by a second mortgage on the real estate. The spouse or other owners of the homes will have to sign the College note and mortgage.

(b) The House

- (i) The house must be the primary residence of the employee receiving the loan, must be within a close commute (approximately ten miles) of Middlebury College, and must qualify for conventional financing. The house can be a single family dwelling, condominium unit or a two family owner occupied house. It need not be the employee's first home purchase in the area, but each employee is eligible for the mortgage only once during his or her career at Middlebury. Exceptions to the ten-mile location may be granted under specific compelling circumstances; for example, if a spouse or partner's employment involves commuting to Burlington or elsewhere.
- (ii) *New construction*: Middlebury College does not participate in a construction loan but will participate in the permanent financing for the house. The College will confirm with the lender the College's willingness to participate in the permanent financing.

(c) Insurance

- (i) The College must be named as an additional insured on the property coverage and the house must be insured for full value to cover all loans.
- (ii) The College does not require, but recommends, that the employee carry life insurance in an amount sufficient to repay the second mortgage loan, in part because the loan will become due in the event of the employee's death.

(d) Credit and approval

- (i) The College does not conduct its own credit check and loan underwriting. Instead, the College relies on the primary lender for these functions. The employee receiving the loan must supply the College with a copy of the commitment letter from the bank.

(e) Refinancing

- (i) The College does participate in the refinancing of its second mortgage at the time the first mortgage is refinanced. Refinancing may only be for the remaining time of the original loan or equal to the term of the bank's refinancing whichever is less, i.e., if you have a 25 year mortgage and you refinance at 20 years you may only refinance for 20 years or if the bank refinances your 25 year mortgage at year 20 for 15 years, you may only refinance for 15 years.

(ii) Process

You should confirm your eligibility with the appropriate party and ask that he or she notifies the assistant treasurer. The first mortgage lender may want the College to confirm your second mortgage during the loan application process. You should provide to the Office of the Assistant Treasurer (extension 5504) two weeks in advance of closing the names and telephone numbers of your attorney and your loan officer so the College can prepare your paperwork in a timely manner. This provides the College time to discover potential closing issues before closing.

c. The College Rental Policy

- i. The College attempts to operate its rental housing on a break-even basis, which in practice means that it is planned that anticipated income and projected expenses be equal for each fiscal year.
- ii. Income, rather than expenses, initially determines a budget figure for rental housing, and that income in turn results from the setting of rents at a level compatible with those in the town of Middlebury. The rents are set by the College's own best professional judgment, i.e., the judgment of the assistant treasurer and director of business services, who is aware of real estate values, fair market values, and of the rental market itself. Tenants execute leases that call for payment of rent through payroll deduction.
- iii. Expenses charged to the housing budget are the usual ones associated with rental properties. Water consumption and sewer charges are borne by the tenant.
- iv. Renovations of houses newly acquired by the College for rental are charged against the operating budget and/or against rental housing reserves for maintenance, modernization, and replacement, both of which are funded by rental income. Therefore, at any particular time a given tenant may benefit from previous renters and will also be helping others in the future. In short, over a longer period the renters as a group sustain the ongoing expenses of the rental housing system. It should be made clear that the purchase price of houses added to the system represents a capital charge, and this charge is not met by income from renters.
- v. The rental budget will indicate that maintenance is the largest item and the one most subject to adjustment. A prudent landlord scrutinizes the level of maintenance which he or she provides to insure the upkeep of the property. In the case of the College as landlord, there is also a strong interest that this level serve the comfort and well-being of its tenants. It is here finally that a level of rents, determined in relation to town rents, may need adjustment if the best interests of the College and the renters are not being served.
- vi. Tenants must carry their own tenants' insurance to protect their own contents and provide liability coverage.

Miscellaneous Policies

1. ENTERTAINMENT ALLOWANCE

A modest budget has been added to each academic department budget (account line 710520) for the entertainment of students. Vouchers should be signed by the department chair and submitted directly to the Accounts Payable Office. The dean of the faculty should sign vouchers reimbursing the department chair. In addition, instructors of seminars for first-year students are encouraged to entertain their advisees at their homes during the semester. Faculty members will be reimbursed up to \$50 for the expense of food and non-alcoholic beverages at such occasions, with a limit of \$100 for the academic year. Reimbursements should be submitted to the director of the first-year seminar program.

2. PROGRAM ENRICHMENT FUNDS

Funds are budgeted each year earmarked for lectures, co-curricular programs specific to your department, and student research expenses. The provost administers the budget. All expenses (honoraria, travel, entertainment, etc.) must come from this assignment. Vouchers, signed by the department chair, must be submitted to the provost prior to payment by the Accounts Payable Office.

3. STUDENT ASSISTANTS

Undergraduates assisting in such academic work as correcting and reading papers and assisting in laboratories must first be approved by the chair of the department, who shall consult with the DOF in these matters.

4. COMMENCEMENT AND CONVOCATION

On Convocation and Commencement days all members of the faculty are invited and encouraged to participate in the academic ceremonies. Those faculty members not owning caps and gowns for the academic procession may rent them through the College Store. The College will pay the rental fees for caps, gowns, and hoods for untenured faculty. Orders should be given at least six weeks in advance of Commencement weekend. Academic regalia may be purchased by the faculty through the College Store. A payroll deduction loan program is available for faculty who purchase regalia through the College Store. Beginning with faculty tenured in 2006-07, the College will purchase academic regalia for faculty upon their promotion to associate professor (if they do not yet own regalia).

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Middlebury

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Employee Handbook

1.0 Introduction

The Employee Handbook is designed to provide all employees with clear, concise, and accessible information about employment at Middlebury College. Throughout the Handbook are links to specific College policies, procedures or related information.

The Handbook is intended solely to provide guidance on the mutual expectations shared by the College and its employees. It is not an employment contract and does not create any type of contractual obligations. Neither the employee nor the College is bound to continue the employment relationship if either, at any time, chooses to end it.

The College reserves the right to change, revise, or eliminate any of the policies described herein.

As faculty members are employed on a contractual basis, some of the policies and provisions contained herein are not applicable to them. Provisions applying solely to the faculty are described in the [Faculty](#) chapter of the College Handbook.

While the Employee Handbook provides much detail, it does not cover every situation. Questions about the information should be directed to Human Resources at ext. 5465.

1.1 Middlebury College Expects

The College expects employees to accomplish their tasks and duties competently and responsibly. The College has provided resources to assist employees in the successful execution of their position responsibilities. If work problems arise, employees are asked to contact their supervisors, a representative of Human Resources, a member of the Staff Council, or an ombudsperson.

An attitude of cooperation and goodwill benefits everyone, in work and in the contacts with students, alumni, and visitors to the campus.

Middlebury College expects all employees to abide by the Code of Conduct for Employees policy.

1.2 Middlebury College Offers

The College seeks to provide its employees with job satisfaction and opportunities for personal and professional growth.

In addition to the usual group benefits such as medical, life, and disability insurance, the College offers other benefits such as the use of the athletic facilities, including the swimming pool, tennis courts, fitness center, and free or reduced admission to athletic events, concerts, and various campus events.

2.1 Equal Employment Opportunity Policy

Middlebury College complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, service in the armed forces of the United States, or against qualified individuals with disabilities on the basis of disability. Retaliation against any employee for filing or supporting a complaint of discrimination or harassment in violation of this policy is prohibited. Employees are encouraged to report suspected violations of this policy to their managers or Human Resources for prompt investigation and response.

2.2 Americans with Disabilities Act (ADA)

Middlebury College recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) and similar state laws, which are designed to eliminate discrimination against qualified individuals with disabilities. The College does not discriminate against qualified individuals with disabilities in any aspect of the employment relationship, and does provide reasonable accommodations as required by law to otherwise qualified employees or applicants with disabilities. Employment opportunities or privileges will not be denied to an otherwise qualified employee or applicant because of the need for reasonable accommodation of the individual's disability. Discrimination based on an employee's or applicant's association with a disabled individual is also forbidden. Employees with ADA-related concerns should contact Human Resources.

See also these web sites:

[Middlebury College ADA Policies & Procedures](#)

[Middlebury College Human Resources Procedures: ADA Compliance](#)

2.3 Basic Information about Employment at Middlebury College

Hiring

Human Resources confirms by letter all appointments as well as all promotions, job transfers, and changes in employee status. Before being placed on the payroll, new employees must complete the necessary federal tax forms at the Human Resources office.

Form I-9

The College, in accordance with the Immigration Reform and Control Act of 1986, is committed to employing only those applicants authorized to work in the United States. As a condition of employment, all new and rehired employees must properly complete, sign, and date the first section of the U.S. Citizenship and Immigration Services Form I-9 within the first three days of employment. A newly rehired employee must complete the form within three days of starting work if the employee's previous I-9 is more than three years old, or his/her previous I-9 is no longer valid. An employee who does not properly complete the I-9 form within the legally required timeframe will not be permitted to continue to work until the form is completed.

Personnel Records and Changes in Personal Status

Employees are responsible for keeping their records current and accurate. Notification to the department head and Human Resources of any changes in personal status is critical. Such information is necessary to ensure correct coverage and, if appropriate, deductions for taxes, medical insurance, life insurance, etc. Incorrect or outdated information may affect employee benefits and the ability of the College to make the appropriate contacts in an emergency. The accuracy of an employee's entry in the College directory depends on the accuracy of that employee's files. Some changes that should be reported promptly include:

- Name
- Address
- Telephone number
- Marital status
- Names and social security numbers of dependents
- Birth dates of dependents
- Changes in dependent(s) status
- Beneficiary designations for benefit plans, such as retirement plan, life insurance, etc.

Employees may review the personal information in their personnel files by setting up an appointment with a representative of Human Resources. One business day's notice is required.

Failure to notify Human Resources of changes or falsification of records may result in disciplinary action up to and including termination.

Categories of Employment

The College developed a series of employment categories to identify the type of position held by each staff and faculty member. The employee's position type should be included in the letter notifying him or her of employment.

If at any time, an employee is unclear about the type of appointment s/he holds, the employee should seek clarification from either the department head or Human Resources. See section 3, Employee Benefits for benefit eligibility information.

Faculty members teach students. Faculty titles include: full professor, associate professor, assistant professor, visiting professor, instructor, lecturer, and assistant in instruction.

Staff members are hired to perform non-teaching duties in support of the College's academic mission.

Middlebury College classifies faculty and staff members according to the chart below. The primary basis for classification is committed hours for staff and instructional units for faculty. Committed hours are regularly scheduled and budgeted hours assigned to a specific position. Regardless of the number of hours actually worked, on-call positions have no committed hours. Human Resources will work collaboratively with managers to determine the classification of each position.

Employee Group Classifications - FACULTY

Classification	Duration	Full Time Equivalency	Instructional Units Per Year	Benefit Category
Full Time	Renewable Contracts (1-5 yrs)	.83 or 1	5 or 6	Eligible
Part-time Benefit Eligible	Renewable Contracts (1-5 yrs)	.50 or .67	3 or 4	Eligible
Part-time Not Benefit Eligible	Renewable Contracts (1-5 yrs)	< .50	< 3	Ineligible

Employee Group Classifications - STAFF

Classification	Duration	Full Time Equivalency (2080 hr/yr base)	HRS/YR (com- mitted hours)	Benefit Category	CTO Category
Full Time	on going	.80 to 1	1,664- 2,080	Eligible	Eligible
Part-time Benefit Eligible	on going	.48 to .79	1,000- 1,663	Eligible	Eligible
Part-time Not Benefit Eligible	on going	< .48	<1,000	Ineligible	Ineligible
On-Call	varies	0	0	Ineligible	Ineligible
Time Limited	9+ months with end date	varies	varies	Dependent on committed hours	Dependent on committed hours
Temporary /Seasonal	<9 months	varies	varies	Ineligible	Ineligible

2.4 Release of Information and Employment Confidentiality

Authorized staff members have access to confidential information about the College, its employees, and students. All employees must handle such information responsibly.

Since it can be difficult to distinguish legitimate inquiries from invasions of others' privacy, no information is to be divulged without proper authorization. Refer verification of employment inquiries to Human Resources. Human Resources will verify employment, job title(s), and dates of employment. An employee who wishes the College to provide further information regarding employment must complete an Information Release and Waiver Agreement. Waiver agreements are available from the Human Resources office and on the Web ([Release and Waiver Agreement Form](#)). Return completed copies to Human Resources. Specific references will not be provided without a completed Information Release and Waiver Agreement. Managers must verify that an Information Release Waiver is on file with HR before providing a reference to an external employer.

Direct all other requests for information (i.e. those involving private attorneys or state or federal agency representatives) to Human Resources.

2.5 Employment of Family Members

The College has no prohibition against hiring relatives of existing employees but understands that employment of relatives in the same area of the College may impact departmental functioning. To minimize any potential issues with regard to relatives working together, it is strongly recommended that an immediate family member does not have supervisory responsibilities for another family member. Immediate family is defined as spouse, domestic partner, civil union partner, grandparent, sibling, or child.

2.6 New Employee Orientation

New Employee Orientation (NEO) takes place biweekly on the first Monday of each pay period. The College's goal is to coordinate employment start dates with scheduled orientation dates whenever possible in order to provide a smooth transition to employment at Middlebury College. NEO sessions are offered for full-time and part-time employees as well as certain time-limited positions.

Orientation sessions are hosted by Human Resources and are designed to introduce new staff members to the history, culture, and mission of Middlebury College, as well as allow them to complete required employment paperwork. The orientation program provides employees with the opportunity to meet different members of the community, tour the campus, review College policies, and enroll in eligible benefit programs for which they are eligible.

2.7 Starting Work

When employees first report to work, their supervisors will show them the workplace, explain the responsibilities and procedures of the position, and answer any questions they might have.

Additionally, new employees will receive information from their supervisors about paychecks, College policies regarding overtime, CTO, sick leave reserve, attendance, performance evaluation, and wage reviews; keeping records current; automobile registration and parking; arrangements for necessary keys; lunch schedules and facilities; any required training associated with the position; and campus orientation.

Supervisors should access the [Supervisor Check List](#) for new employee orientation suggestions.

2.8 Provisional Period

All new, rehired, and newly promoted employees work on a provisional basis for the first three months. Employees are encouraged to take advantage of this period to determine whether the position meets their expectations and to get clarification concerning responsibilities. The College will use this period to evaluate an employee's capabilities and work habits. Either the College or the employee may end the employment relationship at will, with or without cause. Certain departments or positions may have longer provisional periods.

If an employee is absent from work for any significant period of time as defined by the supervisor during the first three months, the provisional period will be extended by the length of the absence automatically. If the College determines that it has not had sufficient time for a thorough evaluation of the employee's performance, it may choose to extend the provisional period for a specified length of time. The employee's supervisor will notify the employee of any extension, its length and reason.

Provisional employment status does not affect eligibility for employer-provided benefits. The terms and conditions of each determine eligibility for such programs.

If newly hired, transferred or promoted, an employee will receive a performance appraisal after one month and at the completion of the provisional period. Subsequent reviews occur annually between January and March, with an informal performance discussion every six months.

The provisional period may be waived at the discretion of the department or Human Resources.

2.9 Scheduling and Hours of Operation

The College has many functional units with diverse objectives and operational needs. Employees should work with their supervisor and department head to understand the scheduling needs of the department and individual procedures related to hours and scheduling.

It is expected that administrative offices are open from 8:15 a.m. to 5:00 p.m., Monday through Friday. During standard office hours, it is expected that coverage of the office or department will be in place during that period of operation. A minimum of 30 minutes of unpaid time is included. The schedules of non-administrative departments are determined by work needs. Departments may provide one 15-minute break each day, scheduled by the supervisor.

Work schedules are subject to change, given seasonal and weekend demands. Any variation in the standard schedule for a given position must receive advance approval from the supervisor, who will advise all employees of their working hours.

Scheduling Alternatives

In order to provide a supportive and flexible workplace scheduling alternatives are available. The department head will be responsible for the operation of the department and will give final approval of all schedule changes in consultation with the employee's direct supervisor. Department heads should discuss the service levels with their supervisors before approving the

use of scheduling alternatives in the department. Due to the changing needs of the College, schedules may be changed at any time.

Flexible work schedules: Employees may request a change in the start and end of their workday provided they are able to complete their position responsibilities. Schedules are approved on a quarterly basis using standard calendar quarters. At the end of each quarter before approval is given for a subsequent quarter, a department is asked to review the impact on service and the orderly work of the department. It is important to perform an analysis of the impact on service levels of changing schedules.

Four-day workweek: It is possible that four 10-hour days or four 9.75-hour days could be worked in a week, thus giving the employee three days away. Generally in a four-day workweek, the days revolve so the employee has a four on/three off schedule, with the days worked and days off changing each week including weekends. The College will entertain those requests, particularly in Facilities Services and Dining Services. Employees on a four-day workweek may need to alter their schedule for important departmental meetings or College presentations.

Buying down the workday: Subject to the scheduling alternatives approval, non-exempt employees may reduce the length of their workday by taking Combined Time Off (CTO).

Example: If an employee wanted to leave at 4:00 p.m. during January and February in order to drive home before it became too dark on potentially icy roads, the employee's supervisor could approve the request, provided there was sufficient staff coverage in the department until 5:00 p.m. The employee could use an hour of CTO time each day to reduce the workday.

People need breaks and lunchtime in the middle of the day; therefore, employees cannot reduce the workday by permanently eliminating lunch periods and breaks from their schedules.

2.10 Safety & Security

Report all accidents or injuries occurring at Middlebury College, or while traveling on College business, as soon as possible. Report accidents occurring in the course of employment to Human Resources; Public Safety should be notified of accidents involving students, guests, and visitors.

Please remember, it is important that employees report immediately any hazardous or unsafe conditions on campus so that we may take prompt action to remedy them.

Environmental Health and Safety Office

The establishment and maintenance of a safe work environment is the shared responsibility of the College and all its employees. The College attempts to protect employees against hardship and suffering from injuries and illnesses resulting from accidents or work conditions and to protect the College from potential losses, damages, and costs caused by such accidents and conditions. Therefore, the College strives to comply fully with the intent of all federal, state, and local laws governing the safety of the College community.

The [Environmental Health and Safety Office](#) is a resource for the entire College community. The Environmental Health and Safety Officer is a safety professional who assists employees in addressing their safety concerns, and may be reached through the Business Services Office.

All employees of the College are expected to follow all government safety regulations and College safety policies, to take an active part in protecting themselves and their coworkers from accident and injury, and to report promptly to their supervisors any hazardous conditions and practices. Both supervisors and employees at all levels of the College are expected to report and try to correct unsafe conditions as promptly as possible.

Blood-Borne Pathogens

OSHA's standard pertaining to employee exposure to blood-borne pathogens, such as HIV and Hepatitis B (HBV) viruses, is designed to educate and protect all employees in jobs in which exposure to blood or other potentially infected bodily fluids can be "reasonably anticipated."

Employees in covered positions are required to attend blood-borne pathogen training at the beginning of employment, as well as retraining, provided annually. Middlebury College maintains an exposure control plan that is available through the [Environmental Health and Safety Office](#). If employees believe their position is one in which such exposure might occur and they have not received a copy of the plan or notice of the potential of such exposure, they should contact the Environmental Health and Safety Office immediately.

Ergonomics

Further information concerning the ergonomics program can be accessed at:
<http://www.middlebury.edu/administration/bsnsvcs/Safety/policy/ergo.htm>

Workers' Compensation

In compliance with Vermont state law the College provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment that is accepted as a workers' compensation claim.

Return to Work Transitional Duty Program

Middlebury College supports the implementation of a Return to Work Transitional Duty Program (RTWTDP) to assist employees after the onset of both work-related and non-work-related injuries or illnesses. The RTWTDP is designed to provide a temporary work assignment allowing the employee to transition back into the position held prior to the onset of the injury or illness. The transitional position will be carefully designed to be appropriate for the skills, knowledge, and capabilities of the recovering employee so that the work can be accomplished safely. The RTWTDP is limited to employees with temporary illnesses or injuries. Transitional duty positions, when available, are always temporary and are assigned for a period of time usually not to exceed 12 weeks. In addition, employees participating in the program must have appropriate documentation from a medical care professional that evaluates their capability to work. It is the College's responsibility to identify transitional work for the employee. Middlebury College has the sole discretion to determine whether or not there are transitional duty positions available considering the workload needs of the company.

Controlled Substance / Alcohol Testing for Employees with a Work-required CDL

All employees who hold a commercial driver's license as part of their position responsibilities for travel within the state are required to participate in controlled substance/alcohol testing. This includes testing for pre-employment, random, post-accident, reasonable suspicion, and return to duty testing.

see: [Controlled Substance/Alcohol Testing Procedure](#)

2.11 Middlebury College Anti-Harassment Policy

A. General Provisions

1. Introduction

Middlebury College is committed to maintaining a campus environment where bigotry and intolerance are unacceptable. Harassment, as defined by applicable law and the corresponding terms of this policy, is unlawful, and is antithetical to the mission of the College. Middlebury College strictly prohibits conduct that constitutes unlawful harassment, including sexual harassment.

Except as otherwise specified herein, this Anti-Harassment Policy applies to faculty, staff, and students, as well as to others who participate in Middlebury College programs and activities, including the undergraduate college, the Language Schools, the Bread Loaf School of English and Middlebury College Schools Abroad. Procedures for filing and resolving complaints of harassment in such programs are set forth in Section B below; however, where applicable law mandates different procedures and/or policies with respect to Middlebury College programs outside Vermont, those procedures and/or policies will apply.

Faculty, staff or students found to have violated this Anti-Harassment Policy may be subject to the full range of disciplinary actions, as applicable, up to and including termination of employment or expulsion from College academic programs.

2. Definitions

Harassment is defined as verbal, written, visual or physical conduct based on or motivated by a student's or employee's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, a student's marital status, or other characteristics as defined and protected by law in the location where a particular program is operating, that has the purpose or effect, from the point of view of a reasonable person, of objectively and substantially:

- i. undermining and detracting from or interfering with an individual's educational or work performance or access to College resources; or
- ii. creating an intimidating, hostile, or offensive educational, work, or living environment.

Harassment may include repeated slurs, or taunts in the guise of jokes, or disparaging references to others, use of epithets, stereotypes, comments, gestures, threats, graffiti, display, or circulation of written or visual materials, taunts on manner of speech, and negative reference to customs when such conduct is based on or motivated by one or more of the protected characteristics identified above, or other characteristics protected by applicable law.

In the College's Vermont programs, harassment may also include conduct of the type described above that is based on or motivated by a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability, which has the type of purpose or effect described above.

Harassment may also include so-called *quid pro quo* sexual harassment, meaning unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature when:

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

Examples of sexual harassment include, but are not limited to, the following:

- touching or grabbing a sexual part of a student's or employee's body;
- touching or grabbing any part of a student's or employee's body after that person has indicated, or it is known or reasonably should be known, that such physical contact was unwelcome;
- continuing to ask a student or employee to socialize on or off-duty when that person has indicated s/he is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or reasonably should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or reasonably should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or reasonably should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or reasonably should be known that the person does not welcome such behavior;
- derogatory or provoking remarks about or relating to a student's or employee's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation.

3. Retaliation

Retaliating against a person who has filed or supported a good faith complaint of any type of harassment as defined above, including but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person's educational, living, or work environment, is strictly prohibited by College policy and may be unlawful depending upon the circumstances, whether or not the harassment complaint is ultimately found to have merit.

4. Confidentiality

People who have concerns about harassment often ask for assurances about confidentiality.

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional or religious advisor. The medical, mental health, and religious professionals at Middlebury College respect and protect confidential communications from students, faculty and staff to the extent they are legally able to do so. One of these professionals may have to breach a confidence, however, when he or she perceives an immediate and serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault of a person under 18.

General inquiries to College officials about policies or procedures, and conversations in which the alleged wrongdoer is not identified by name or by implication from the circumstances may remain private. In all cases, Middlebury College will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to adopt and implement anti-harassment protocols. The College has an obligation to investigate complaints of harassment, however, and to take reasonable steps to prevent ongoing harassment (see below), so strict confidentiality may not be guaranteed.

Middlebury College is also part of a larger community and context. If there is an independent investigation or lawsuit related to a harassment or retaliation matter, those involved or others may be required by law to provide documents or testimony. Moreover, even where all parties involved wish to maintain confidentiality, the College may nevertheless need to intervene.

B. Procedures for Addressing Harassment

1. In General

Faculty and staff in Middlebury College programs receive training on harassment and retaliation prevention and procedures. All members of the College community are expected to promote an environment free from prohibited harassment and retaliation.

Employees with supervisory responsibility are expected to take steps to address and remediate harassment and retaliation should it come to their attention. Supervisors should report all complaints or suspected acts of harassment or retaliation (even if it does not involve direct reports) to the Human Relations Officer in accordance with Section 2, below, and/or to Human Resources. Depending upon the circumstances of a given situation, supervisors may be responsible for taking steps such as, by way of example but not limitation, addressing issues directly with staff, faculty, or students whom they supervise, facilitating informal resolution or mediation of issues, providing information on avenues to address questions of harassment and/or retaliation, or pursuing complaints under the complaint procedures described here. Failure of a supervisor to report or address harassment or retaliation complaints or suspected acts of harassment or retaliation appropriately may be considered a violation of College policy.

2. Complaints

Any Middlebury College student, faculty member or staff member who has reasonable cause to believe that harassment, including sexual harassment, has occurred or is occurring, or who believes that she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to bring that information to the immediate attention of the Human Relations Officer who is designated to receive such reports in the College program at issue. If the designated Human Relations Officer is unavailable, or if the Human Relations Officer has a conflict of interest, the report should be made to the designated alternate Human Relations Officer for the program at issue. The alternate shall have the same authority as the designated Human Relations Officer to process and investigate harassment and retaliation reports and complaints. Appendix A to this policy lists names and contact information for offices and/or individuals serving as Human Relations Officers and alternate Human Relations Officers in the College's various programs and locations.

(I). Faculty / Staff

When the Human Relations Officer receives actual notice – i.e., a written or oral complaint directed to the Human Relations Officer – of conduct that may constitute prohibited harassment or of retaliation against a **staff or faculty member** committed by a student, staff or faculty member, the College will initiate the following process:

- a. The Human Relations Officer will determine initially whether the report or complaint alleges conduct that is prohibited by this policy.
- b. If the Human Relations Officer determines that the report or complaint does fall within the scope of this policy, she or he will, individually or in conjunction with other College offices or individuals, conduct or supervise an investigation of the report or complaint that is appropriate under the circumstances.
- c. The Human Relations Officer will then work with College offices that have authority over the individuals involved in the matter, and the College will promptly take any necessary and appropriate remedial action.
- d. If the Human Relations Officer finds that a staff or faculty member has engaged in harassment or retaliation against another staff or faculty member, the Human Relations Officer will refer the matter to the appropriate supervisory authority and/or the Human Resources Department for disciplinary action, up to and including termination of employment, or other action as deemed appropriate under the circumstances. If the Human Relations Officer finds that a student has engaged in harassment or retaliation against a staff or faculty member, the Human Relations Officer will refer the matter to the Dean of the College (undergraduate program) or the Vice President for Language Schools, Study Abroad and Graduate Programs (other programs) for disciplinary action, up to and including dismissal from the College program at issue, or other action as deemed appropriate under the circumstances.

(II). Students

When the Human Relations Officer receives actual notice – i.e., a written or oral complaint directed to the Human Relations Officer – of conduct that may constitute prohibited harassment or of retaliation against a **student** committed by a student, staff member or faculty member, the College will initiate the following process:

- a. A copy of this policy will be provided to the complainant and the person alleged to have engaged in harassing and/or retaliatory conduct.
- b. If the complaint is oral, the Human Relations Officer or appropriate staff member will assist the complainant in reducing the complaint to writing, including the time, place, and nature of the conduct, and the identity of the participants and the complainant.
- c. The Human Relations Officer will, within one business day of receiving the written complaint, commence an initial investigation to determine, within five business days, whether there is cause to believe that prohibited harassment and/or retaliation has occurred or is occurring (unless special circumstances warranting additional time are present and documented).
- d. The Human Relations Officer may also at any time take appropriate steps, including by way of example only, issuance of no contact orders or temporary changes in assignment of duties, to protect complaining parties on an interim basis.
- e. If the Human Relations Officer's initial investigation results in a finding that there is cause to believe that harassment or

retaliation has occurred or is occurring, the Human Relations Officer shall promptly appoint a fact finder, who shall conduct or continue an investigation and provide a report to the Human Relations Officer in sufficient time for the Human Relations Officer to make a final determination within thirty (30) days of the fact finder's appointment. However, if the Human Relations Officer's initial investigation results in a finding that harassment or retaliation has occurred or is occurring (such that further fact-finding would be unnecessary), the Human Relations Officer has the discretion to issue a final determination without the appointment of another fact finder.

f. If the Human Relations Officer's initial investigation results in a finding that there is not cause to believe that the conduct complained of occurred, or, if it occurred, did not constitute prohibited harassment or retaliation under this policy, the complaining party may nevertheless request that the Human Relations Officer appoint a fact finder to conduct an investigation as described above. If the Human Relations Officer's initial investigation results in a finding that harassment or retaliation has occurred or is occurring (such that further fact-finding would be unnecessary) and the person complained against disputes this finding, the person complained against may nevertheless request that the Human Relations Officer appoint a fact finder to conduct an investigation as described above.

g. The Human Relations Officer shall receive the report of the fact finder and complete a review of a matter referred under subsection e. or f. and make a final determination within thirty (30) days of the referral (unless special circumstances warranting additional time are present and documented).

h. If review of a matter referred under subsection e. or f. results in a finding by the Human Relations Officer that prohibited harassment or retaliation has occurred or is occurring, both the complainant and the person who engaged in the prohibited conduct shall be advised of a plan to address the conduct and to prevent harassment and/or retaliation from continuing. The plan may include, by way of example only and as appropriate in a given case, such measures as required attendance at anti-harassment training, reassignment of housing, and academic accommodations. If the Human Relations Officer finds that a staff or faculty member has engaged in harassment of or retaliation against a student, the Human Relations Officer will refer the matter to the appropriate supervisory authority and/or the Human Resources Department for disciplinary action, up to and including termination of employment, or other action as deemed appropriate under the circumstances. If the Human Relations Officer finds that a student has engaged in harassment of or retaliation against a student, the Human Relations Officer will refer the matter to the Dean of the College (undergraduate program) or the Vice President for Language Schools, Study Abroad and Graduate Programs (other programs) for disciplinary action, up to and including dismissal from the program at issue, or other action as deemed appropriate under the circumstances.

i. In cases arising in Vermont, a student who is dissatisfied with the decision of the College or with the adequacy of the College's response to harassment or retaliation, may by written request to the Dean of the College (for matters related to the undergraduate program) or the Vice President for Language Schools, Schools Abroad, and Graduate Programs (for other College programs, as appropriate given the College program at issue), ask for independent review. The Dean or Vice President will initiate independent review by a neutral person selected from a list developed jointly by the Vermont Commissioner of Education and the Vermont Human Rights Commission. The costs of the independent review shall be borne by the College. The College may request an independent review at any stage of the process.

The independent reviewer does not conduct a second investigation. The review focuses on the College's response to the complaint of harassment, considering the adequacy of the investigation that was conducted and not the outcome of the investigation (i.e. whether or not the conclusion was correct as to whether harassment occurred). The independent review shall consist of an interview of the student and relevant College officials and a review of any written materials from the College's investigation. The independent reviewer shall be considered an agent of the College for the limited purpose of being able to review confidential student records. During the independent review, the College's determination and all actions taken by the College in response to the harassment complaint shall remain in full force and effect.

Upon completion of the independent review, the reviewer shall advise the student and College officials in writing (1) as to the sufficiency of the College's investigation, its determination, and/or the steps taken by the College to correct any harassment found to have occurred, and (2) of recommendations of any steps the College might take to prevent further harassment from occurring. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

III. Alternative Dispute Resolution

At all stages of the investigation and determination processes, College officials, when appropriate, may make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints. In assessing whether alternative dispute resolution is appropriate, College officials may consider factors such as, for example, (1) the nature of the accusations, (2) the agreement of the complainant and the accused individual, (3) other relevant factors such as any disability of the complainant or the accused, or any history of repeated misconduct/harassment of the accused individual. If an alternative dispute resolution is either not appropriate or is unsuccessful, College officials shall continue the investigation in accordance with the timelines established in the policy.

IV. Plans or Directives Issued by the Human Relations Officer

In any case in which the Human Relations Officer has made a finding of harassment or retaliation, violation of a plan or directive issued by the Human Relations Officer to address the harassment or retaliation may be grounds for further discipline.

V. Other Procedures

The decision of the Human Relations Officer with respect to factual determinations shall be final except as otherwise stated in Section B.2. II. i., above.

All witnesses interviewed in connection with a harassment or retaliation investigation are expected to cooperate fully in the investigation by providing complete, accurate, and truthful information. Such witnesses may also be expected to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of the interview confidential. Failure to cooperate fully with the investigator may subject the employee or student to the full range of disciplinary actions, as applicable, up to and including termination of employment or suspension or expulsion from the College.

Students, faculty, and staff in all instances have the option to pursue harassment or retaliation charges beyond the College, utilizing local, state, or federal enforcement agencies as appropriate, regardless of whether they choose to file a complaint on campus. The following agencies may be able to offer assistance in Vermont; students, faculty and staff at Middlebury programs in other locations may contact their Human Relations Officer for similar resources in their area (see Appendix A attached hereto for contact information):

Vermont Attorney General's Office, Civil Rights Unit

109 State Street, Montpelier, VT 05609

(802) 828-3657 or 888-745-9195 (toll free in Vermont) or (802) 828-3665 (TTY)

www.atg.state.vt.us

Equal Employment Opportunity Commission , Boston Area Office

One Congress St., 10th Floor, Room 1001, Boston, MA 02114

(800) 669-4000 or (617) 565-3200 (voice),

(800) 669-6820 or (617) 565-3204 (TTY)

www.eeoc.gov

Office for Civil Rights/Boston, U.S. Department of Education

33 Arch Street, Suite 900, Boston, MA 02110

(617) 289-0111

www.ed.gov/ocr

Vermont Human Rights Commission

135 State Street, Drawer 33

Montpelier, VT 05633-6301

(802) 828-2480 (phone and TTY)

(800) 416-2010 (toll free in Vermont only)

877-294-9200 (TTY)

www.hrc.state.vt.us

There are certain time deadlines for the filing of complaints with the above state and federal agencies and/or state or federal court. Therefore, an individual who chooses to pursue harassment or retaliation charges beyond the College's procedures should contact these agencies or his or her attorney for further assistance.

Each agency listed above can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe that unlawful harassment or retaliation has occurred, it may take the case to court.

Copies of this policy will be provided to all Middlebury College program faculty, staff and students. Printed copies of the Anti-Harassment Policy are also available at several College offices, including Vice President for Language Schools, Schools Abroad and Graduate Programs, Dean of the Faculty, Human Resources, Institutional Diversity, and Public Safety. This policy is available on the Middlebury College Web site: <http://go.middlebury.edu/anti-harassment>. This policy may be amended from time to time; the web site referenced above should be consulted for any updates. The amended policy, as published through the College's web site, shall supercede wholly any prior versions of the policy. Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment or retaliation, upon request.

A student may file a complaint of harassment or retaliation relating to the conduct of the Human Relations Officer with the Dean of the College or the Vice President for Language Schools, Schools Abroad, and Graduate Programs, as appropriate given the program at issue. Faculty and staff may file complaints relating to the conduct of the Human Relations Officer with the Associate Vice President for Human Resources and Organizational Development.

VI. The Human Relations Office and Record Keeping

The Human Relations Officer will keep confidential records or reports of harassment and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training. No identifying information will be retained in cases where the individual accused was not informed that there was a complaint.

The Human Relations Officer will track reports of harassment for statistical purposes and report to the President concerning the number, nature and disposition of such reports.

The Human Relations Officer is appointed by the President. Information about harassment and the Human Relations Officer is available at several college offices: Dean of the College, Dean of the Faculty, Human Resources, Commons, Institutional Diversity, Public Safety, and on the web at www.middlebury.edu/campuslife/diversity/hro or <http://go.middlebury.edu/hro>.

C. Policy on Sexual Relationships Between Faculty and Students

The integrity and trust of the faculty-student relationship is central to the mission of Middlebury College. A sexual relationship between a faculty member and a student for whom he or she has current direct academic or other professional responsibilities violates the standards articulated by the American Association of University Professors. It undermines – in fact or by perception -- the integrity of the evaluative process as well as the trust, respect and fairness essential to the educational environment. Such relationships are inappropriate and members of the faculty are expected to avoid them and the potential conflicts of interest, favoritism, or bias they may bring about.

Faculty should be aware that a seemingly consensual sexual relationship with a student may nevertheless meet the legal definition of sexual harassment, as lack of mutual consent may be inferred from the power differential in faculty-student relationships. In addition, where a faculty member's relationship with a student has, on the basis of sex, the purpose or effect of substantially interfering with the work or academic performance of other persons, or creates, on the basis of sex, an intimidating, hostile, or offensive working, living, or educational environment, the faculty member's conduct may constitute a violation of the College's Anti-Harassment Policy.

D. Intellectual Inquiry and Debate

Middlebury College is a community of learners and as such recognizes and affirms that free intellectual inquiry, debate, and constructive dialogue are vital to the academic mission of the College and must be protected even when the views expressed are unpopular or controversial. This Anti-Harassment Policy statement is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including sex, sexual orientation, gender identity or expression, race, color, ethnicity, religion, marital status, place of birth, ancestry, national origin, age, or disability, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Middlebury College also recognizes that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. The "reasonable person standard" is to be used in judging whether harassment has occurred.

Amended on June 9, 2009; supercedes the College's Anti-Harassment Policy dated October 28, 2008.

APPENDIX A

Middlebury College (Undergraduate Program)

Susan P. Ritter, Esq.,
Human Relations Officer
Middlebury College
McKinley House
422 S. Main Street
Middlebury, VT 05753
802.443.2246

Alternate Human Relations Officer (All Middlebury Programs)

Laura Carotenuto
Alternate Human Relations Officer
Middlebury College
Human Resources
Service Building
Middlebury, VT 05753
802.443.2012

Middlebury Summer Language Schools (Vermont)

Elizabeth Karnes Keefe
Human Relations Officer
Middlebury College
Sunderland Language Center 210
Middlebury, VT 05753
802.443.5685

Middlebury Summer Language Schools at Mills College

Laura Wineland
Human Relations Officer
5000 MacArthur Blvd.
Oakland CA 94613
510.430.2284

**California Agencies:
Office for Civil Rights**

U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105
Phone: 415.486.5555

Equal Employment Opportunity Commission

350 The Embarcadero
Suite 500
San Francisco, CA 94105-1260
Phone: 1-800-669-4000

Department of Fair Employment and Housing (DFEH)

Department of Fair Employment and Housing
Oakland District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
Telephone: (510) 622-2941

**Bread Loaf School of English
Bread Loaf Writers' Conference**

Elizabeth Karnes Keefe
Human Relations Officer
Middlebury College
Sunderland Language Center 210
Middlebury, VT 05753
802.443.5685

On-Site Contacts:**Bread Loaf School of English / (Vermont)**

James Maddox, Director
Emily Bartels, Associate Director
Bread Loaf CPO
4265 Ripton 125
Middlebury, VT 05753
802.443.5418

Bread Loaf School of English (North Carolina)

Tilly Warnock, Director
Karpen Hall #213, CPO #2130
One University Heights, UNC Asheville
Asheville NC 28804
828.251.6603

North Carolina Agencies:**Office for Civil Rights**

U.S. Department of Education
1100 Pennsylvania Ave., N.W. Rm. 316
P.O. Box 14620
Washington, D.C. 20044-4620
Phone: 202.786.0500

Equal Employment Opportunity Commission

Charlotte District Office
129 West Trade Street
Suite 400
Charlotte, NC 28202
Phone: 1.800.669.4000

Bread Loaf School of English (New Mexico)

Cheryl Glenn, Director
St. John's College
1160 Camino Cruz Blanca
Santa Fe, NM 87505
505.995.4084

New Mexico Agencies:**Office for Civil Rights**

U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
303.844.5695

Equal Employment Opportunity Commission

505 Marquette, NW
Suite 900 – 9th Floor
Albuquerque, NM 87102
1.800.669.4000

Bread Loaf School of English (Oxford)

John Fyler, Director
Lincoln College
Oxford OX1 3DR
United Kingdom
011.44.1865.279019

2.12 MiddPoints

[MiddPoints](#) is a newsletter published approximately twice per month by Human Resources for the faculty and staff of Middlebury College. The issue schedule and deadlines are listed on the [Human Resources Web site](#). *MiddPoints* is mailed without charge to benefits-eligible employees. Other employees will receive an email notification of MiddPoints on-line. Each issue is also posted on the Human Resources Web site. *MiddPoints* is a primary communication vehicle on policy changes, upcoming events, news, and other items of interest to employees. Entities outside the campus may not advertise in *MiddPoints*. Classified ads and articles may be submitted by employees, students, and alumni only via e-mail to [MiddPoints Editor](#) or via campus mail to *MiddPoints* Editor, Human Resources, Service Building.

2.13 Internal Career Opportunities

Filling a position: The Staff Resources Committee (SRC) authorizes the creation of new positions and the filling of current vacancies. Upon request of the SRC, Human Resources, in coordination with the hiring department, facilitates recruitment.

Faculty recruitment: The dean of the faculty, in conjunction with department chairs, handles faculty recruitment. Persons interested in receiving notice of faculty openings should contact the [Office of Academic Affairs](#) at ext. 5391.

Staff recruitment: For most job vacancies, Human Resources and the appropriate senior administrator determine if there is a candidate for whom the vacancy is a natural career progression. In such cases, posting of the position may not occur. If broader recruitment is necessary, the position will appear on the [Employment Opportunities](#) Web listing for a minimum of five business days and staff members may apply online. Temporary positions of one year or less are not necessarily posted. At the discretion of the president, certain jobs may not be posted.

Employment opportunities list: The [Employment Opportunities](#) listing of all available non-faculty positions is posted on the Human Resources Web page. Applicant requirements appear with the description of each job opening.

Applying for a posted position: Interested employees should submit a resume online via the Employment Opportunities page once they have identified a position of interest. Employees must have been their current position for a minimum of three months before they are eligible to apply for positions in other departments.

If an employee is selected to interview for a position and is a final candidate, it is expected that the employee will inform his or her current supervisor at that point. If an employee is offered and accepts a position external to the employee's current department, coordination between both departments and Human Resources is required to ensure that the timing of such a transfer does not result in a hardship to the College.

Filling a position: The supervisor of the department or search committee selects the best-suited candidate to fill the job vacancy. The supervisor contacts Human Resources to determine an appropriate hiring wage and to coordinate issuing the job offer.

Career decisions: Employees should give careful consideration to all career moves. Having accepted a promotion or requested or accepted an internal transfer, an employee is unlikely to have the option of returning to the old position should the new one not work out.

2.14 Rehire

Consideration for re-employment is based on qualifications and demonstrated ability, as well as prior job performance. In the event of re-employment at Middlebury College, prior service will be recognized in determining benefit eligibility to the maximum extent allowed by the Benefit Plan Descriptions or other relevant policies. Employees returning within three months of their termination date will have their CTO accrual date reinstated.

2.15 Staff E-mail and Computer Use Policy

Middlebury College recognizes that e-mail is one of the primary venues through which important information about the College and its operations is communicated. This information ranges from updates on the strategic direction of the College and matters of interest to the community, to notification of road closings and building maintenance, to information about employee benefits. As part of the Middlebury College community, staff members are responsible to be aware of this information. All employees are issued a standardized college e-mail account through their employment at Middlebury College. The work of some employees requires regular use of a computer, often in an office situation. Public access computers have been installed at many locations across campus to allow access and a desired level of privacy for those employees whose work does not require regular use of a computer. For departments or work groups in which computer use is secondary to the core function, internal procedures will be developed to allow staff reasonable access to e-mail while ensuring proper work coverage. Given the volume and frequency of campus communications, it is expected that up to 10 minutes out of each workday will be allotted for e-mail usage. The employees and supervisors are to work out details of how e-mail access time is implemented, depending on intensity of workload (periodic in certain areas like facilities services and dining). As departments utilize computers for work-related purposes beyond e-mail, these time estimates may be adjusted. Training is available through LIS for those unfamiliar with e-mail use. Anyone using College e-mail resources is responsible for abiding by the guidelines for appropriate e-mail use as outlined in the College Handbook.

3.1 General Information

Middlebury College offers a comprehensive health and welfare benefit plan and a generous retirement program to eligible employees.

Enrollment in some College benefit plans is not automatic. Although Human Resources makes an effort to notify or remind an employee when they become eligible to enroll in a particular benefit plan, it is the employee's responsibility to enroll in a timely manner. Please consult with Human Resources should any questions arise concerning eligibility for or status in a plan.

Although it is the intent of the College to continue the benefit plans described in this section, the College reserves the right to modify, amend, or terminate any benefit plan, with or without notice.

3.2 Benefit Changes

Health, Dental and Flexible Spending Accounts

In accordance with IRS regulations, changes such as adding or dropping coverage for an employee or dependent can only be made at certain times: 1) the initial eligibility period (the 30 days after an employee is first hired or the 30 days after an employee first moves into a benefits-eligible employment status), 2) the yearly open enrollment period, and 3) the 30 days after a *change in family status* (as defined by the IRS). The most common permissible changes-in-family status include marriage, divorce, birth, adoption, change in a spouse's employment status affecting benefits eligibility, open enrollment in a spouse's benefit plan, dependent non-student reaching age 19, or a dependent student leaving school, getting married, or turning 25. For a complete list contact Human Resources. To be allowed, the desired benefit change must also be *consistent with* the reason for the change (for example, in case of a divorce a spouse could be dropped, in case of a birth the baby could be added).

Please note that it is the employee's responsibility to notify Human Resources *within 30 days* of a change in family status. Failure to promptly notify Human Resources of a family status change that could affect benefits can have serious consequences. For example, not notifying Human Resources of a new dependent will mean that the new family member will not be added until next open enrollment period. IRS regulations do not allow a change in an employee's pre-tax health or dental premium later than 30 days after a change in family status, even if the family status event means that an employee or dependent is no longer eligible for coverage under the terms of the medical or dental plan. This means that an employee could be required to pay premiums for coverage that s/he or a dependent *does not have* until next open enrollment period. Furthermore, under COBRA regulations, late notification to Human Resources could result in an otherwise eligible former plan participant not being offered COBRA continuation coverage in the health, dental or health flexible spending account.

Employees are financially responsible for any claims paid by insurance based on false information. Willful failure to notify Human Resources of a change may result in disciplinary action up to and including termination.

Retirement Plans

Employees are able to make an election change in the voluntary retirement plan at the beginning of any pay period.

3.3 Health and Welfare Benefit Plan

The Middlebury College Health and Welfare Benefit Plan offers medical, dental, life, supplemental life, long-term disability, short-term disability, and health care and dependent care flexible spending accounts to full time staff and faculty members; to part-time or time-limited staff who work a minimum of 1,000 hours per year in a regular part-time job; and to part-time faculty members scheduled to teach at least half time. On-call, temporary, and seasonal staff are not eligible for benefits. A Summary Plan Description (SPD) and employee contribution chart for this plan can be found at the [Human Resources Benefits Web page](#), or by contacting Human Resources at ext. 5465 or hr@middlebury.edu

3.4 Employee & Family Assistance Plan (EFAP)

Middlebury College offers a confidential Employee and Family Assistance Plan (EFAP) for active employees, their dependents, and others residing in the employee's home. EFAP provides counseling and referral services for a range of quality of life issues: alcohol and/or drug abuse, marital difficulties, child/parent relationship concerns, or other personal or family situations. The Wellness Corporation, the EFAP provider, can be reached at 800.828.6025.

For more information on EFAP, please visit that page on the Human Resources Web site.

3.5 Retirement Plan

The Middlebury College retirement program is administered by TIAA-CREF and is designed to offer eligible employees a generous employee contribution, tax advantages, and flexibility in building savings for future security. The plans provide retirement, death, and disability benefits according to Section 403(b) and 401(a) of the Internal Revenue Code.

As a condition of employment, eligible employees are required to participate in the retirement program.

For a complete description of the plan, refer to the Summary Plan Description on the [Human Resources Web site](#) or contact Human Resources at ext. 5465.

3.6 Educational Assistance

Middlebury College offers four separate programs that assist eligible employees or their dependents in pursuing post-secondary education (refer to the individual policies for benefit details):

- A. [Continuing Education Fund](#)** – Provides eligible employees with funding up to \$3,000 per calendar year for enrollment in a credit-, degree-, or certificate- granting program from an accredited program or institution.
- B. [Middlebury College Course Fee Reduction For Employees](#)** – Allows eligible employees and their spouses/partners to take Middlebury College courses, for credit, for \$100 per course.
- C. [Middlebury College Staff Matriculation Program](#)** – Allows qualifying staff members, in specified circumstances, to enroll in the bachelor's degree program at Middlebury.
- D. [Comprehensive Fee Credit](#)**– Provides a discount of 45% of the Middlebury College comprehensive fee for up to four full years of coursework for eligible dependents admitted to Middlebury College.
- E. [Tuition Cash Grant Scholarships](#)** - Provides a cash payment of either 30% of Middlebury's comprehensive fee or 50% of the tuition of the institution attended (whichever is less), for eligible dependents attending an accredited institution other than Middlebury.

[updated 2008-Oct-09 with revised web links]

3.7 Sick Leave Conversion

At retirement, as defined in the College's Retiree Benefits policy, every accumulated sick leave reserve day will convert to an insured day (weekends and the holidays listed in this handbook do not reduce Sick Leave Reserve). For each insured day the College will pay 100 percent of the premium to continue the medical and dental benefits for the enrolled employee and enrolled eligible dependents, until the end of the month in which the last insurance day is used. *Example: If an employee retires with 30 accumulated sick leave reserve days on July 1, 2005, the employee's converted sick leave reserve would run out on August 12, 2005 and his or her insurance would continue until August 31, 2005.* Retiring part-time employees may convert CTO hours to paid insurance days at a conversion rate of 7.75 hours per day.

Faculty members do not have sick leave reserve or CTO. They will be given a week of retiree insurance coverage for each academic year in which they carried a full course load. The dean of the faculty and the director of Human Resources will resolve all conflicts and pro-rate the coverage for years in which there was a reduced course load.

Sick Leave Reserve Survivors' Conversion

If a Middlebury College employee dies while in an active status, survivors' benefits will be provided (for eligible dependents) in the medical and dental plans.

Note: There is no cash conversion of sick leave reserve. Conversion of sick leave reserve to insurance days is available only as outlined in the sections on Sick Leave Reserve Conversion at Retirement, and Sick Leave Reserve Survivors' Conversion.

3.8 Survivor Benefits

Employees enrolled in the College's Medical, Dental, and EFAP plans have survivors' benefits. If an employee dies while in an active employment status, his or her survivors will receive the following benefits:

Medical Insurance, Dental Insurance, and Employee & Family Assistance Plan: Such benefits will continue for 60 days following the date of death with all premiums paid by the College. Following the initial 60 days, accumulated staff sick leave reserve may be converted to insured days (see sick leave conversion section of handbook for details). Following the sick leave reserve conversion the benefits may be continued as described in the "medical" section of the Middlebury College Health & Welfare Benefits Summary Plan Description.

Accrued CTO: Survivors of insured staff have the option of converting accrued CTO time to cash or insurance benefits.

Faculty Survivor Insurance Continuation: Survivors of insured faculty members receive a week of insurance continuation for each academic year in which a full course load was carried. Prorations are made and all conflicts resolved by the dean of the faculty and the director of Human Resources.

Comprehensive Fee Credit and Tuition Cash Grant Scholarship: If, at the time of his or her death, a tenured faculty or staff employee has met the eligibility requirement for the comprehensive fee credit and/or the tuition cash grant scholarship educational benefits, the dependent children will retain such benefits until age 25.

Flexible Spending Accounts, Life Insurance, and Retirement Plans: All benefits under these plans will be settled with the survivors in accordance with the provisions of the plans and beneficiary designations.

MiddCard Privileges: A surviving spouse/domestic partner/civil union partner receives full faculty/staff MiddCard privileges for one year. If no spouse/domestic partner/civil union partner survives, dependent children will receive Snow Bowl and Golf Course discounts for one year instead of MiddCard privileges.

3.9 Midd Card Privileges

All employees of Middlebury College are eligible for an identification card, called a MiddCard, which entitles the employee to certain privileges including: access to athletic facilities, discounts at the College store, library privileges, and discounts at cultural and sporting events. In addition, the card allows door access to certain campus buildings.

Spouses or domestic partners of *benefits-eligible employees* are eligible to receive a Spouse/Partner card with the same privileges as the employee card (except door access).

Both employee and spouse/partner cards are valid only during the employee's period of active employment. Employees who retire from the College are eligible for a Retiree/Emeriti card.

Additional information on MiddCards can be found in the [Identification Card \(MiddCard\)](#) section of the Handbook. Questions regarding card eligibility can be directed to Human Resources; questions regarding new or replacement cards or door access should be directed to Public Safety; and questions regarding discounts, events, or athletic facilities access or policies should be directed to the responsible department (i.e. Book Store, Athletics, etc.)

3.10 Golf & Ski Discounts

Benefits eligible employees may receive discounts on season passes at the Middlebury College Snow Bowl, the Ralph Myhre Golf Course, and the Rikert Ski Touring Center. *All employees* are eligible for discounted day passes at the golf course. For information on discounts contact the recreation facilities directly.

3.11 Nursing Mothers

Middlebury College abides by Vermont state law in providing reasonable time and space for nursing mothers to express breast milk for their nursing children.

see: [Breastfeeding Guidelines](#)

4.1 Reporting Absences

If an employee is unable to report to work for any reason, it is his or her responsibility to notify the supervisor as soon as possible prior to the start of the workday. If the employee is unable to reach the supervisor, s/he should follow the department's procedure for notification. Failure to notify the College of an absence before the start of the workday means the absence is unauthorized and can lead to disciplinary action.

4.2 Combined Time Off

In an effort to provide flexibility to employees for the use of time off, Middlebury College created combined time off (CTO). CTO can be used for vacation, sick, or personal time, as well as for three floating holidays (Memorial Day, Independence Day, and Labor Day).

It is not necessary to distinguish how the time is being used (i.e. vacation, sick, or personal day). Departments will establish practices for providing notice of absences from work and scheduling time away.

Eligibility

Most full-time regular staff employees and benefits-eligible part-time staff employees accrue CTO in the first pay period in which the employees are paid. See Handbook section 2.3 Basic Information about Employment at Middlebury College for definitions of regular full-time and benefits-eligible part-time.

Faculty, temporary, seasonal, part-time employees in positions budgeted for less than 1,000 hours per year, as well as a small number of special jobs, are not eligible for CTO.

Accruals

CTO accrues in hours after each biweekly payroll is run. Accrual is based on length of service. The following chart outlines CTO accruals.

Length of Service	Annual Accrual for 1 Full Time Equivalent	CTO Accrual for Each Hour Paid	Biweekly Accrual for Staff with Schedules of 77.5 Hrs. / pay period	Biweekly Accrual for Staff with Schedules of 80 Hrs. / pay period
0-2 Years	26 days/yr.	0.1 hrs.	7.75 hrs.	8 hrs.
Over 2-10 Years	31 days/yr.	0.1192 hrs.	9.24 hrs.	9.54 hrs.
Over 10-20 Years	36 days/yr.	0.1385 hrs.	10.73 hrs.	11.08 hrs.
Over 20 Years	40 days/yr.	0.1538 hrs.	11.93 hrs.	12.31 hrs.

CTO Maximum

The following chart outlines CTO maximum accruals.

	Maximum at fiscal year end*	Maximum at anyother time during the year
Staff on 8 Hrs./Day Schedules	192	288
Staff on 7.75 Hrs./Day Schedules	186	279

*The fiscal year end maximum is applied in the last day in June of each year. Following June 30 any CTO over the maximum will

be automatically moved to SLR.

At any other time of year, no automatic SLR transfer will occur and CTO accrual will stop when the maximum is reached.

To avoid lost CTO accrual, staff must manage their own CTO banks and transfer CTO to SLR before reaching the maximum.

Advance planning of time away, shifting of CTO time to Sick Leave Reserve, and requesting and reporting time off in a timely fashion is the employee's responsibility. Supervisors and managers are responsible for planning for appropriate coverage in their departments and giving timely responses to requests for time off. Supervisors are required to track time away and ensure it is recorded properly.

CTO Pay-Out

Accrued and unused CTO will be paid out at 100% of the employee's rate of pay when they terminate employment or their position is no longer eligible to accrue CTO. SLR is not paid out.

CTO Use

General CTO guidelines

The combination of CTO and regular worked hours each pay period should equal an employee's regular scheduled hours. Part-time employees may not enter CTO in excess of their scheduled hours. Employees not on a formal leave status must use CTO to cover absences from work unless their supervisor has granted an unpaid absence. Employees may not choose to take time unpaid.

Please refer to the Personal Leave of Absence Policy for Unpaid Absences in excess of a full pay period.

Non-exempt staff CTO Use

As required by the Fair Labor Standards Act (FLSA), non-exempt staff must record all work time. When non-exempt staff members use CTO they should record each hour or portion of an hour away from work as CTO.

Exempt Staff CTO Use

As required by the Fair Labor Standards Act (FLSA), exempt staff are paid on a salaried basis. This dictates that their pay does not vary with regard to the number of hours worked. Exempt staff often work in excess of their normal scheduled hours and do not receive overtime or any additional pay beyond their salary. Therefore, occasional brief absences from work of less than a day will not be deducted from the CTO banks of exempt staff with the exception of approved leaves of absence under the Family and Medical Leave Act (FMLA). CTO will be recorded in full day increments when an exempt staff member is away from work for the entire day. Exempt staff hold regular schedules and deviations from these schedules must be approved by their supervisors. In situations of a reduced schedule or repeated or regular absences, managers and staff should make arrangements to enter CTO to adjust for absences. The use of half days may be a useful alternative in these cases. Issues related to productivity, meeting position responsibilities and appropriate office hours are performance matters and will not be managed through CTO use.

4.3 Sick Leave Reserve

Sick Leave Reserve can be used in the event employees have a bona fide illness, injury, physically disabling condition including pregnancy, or if they must care for an ill member of their immediate family. SLR may not be used to care for well infants, children, or other family members. Those included in the definition of immediate family are individuals permanently residing in the employee's home or temporarily residing with the employee as a result of the family member's illness, including, but not limited to spouse/domestic partner/civil union partner, children, parents, and parents-in-law.

Appointments with physicians, dentists, or other health care providers that take place during normal working hours may be claimed.

Time from an employee's CTO bank may be transferred into the employee's Sick Leave Reserve (SLR) bank. Sick Leave Reserve time, however, cannot be transferred to CTO. Employees must call in if they are going to be absent from work. Doctor's notes may be required.

SLR Pay-Out

Sick Leave Reserve has no cash value.

4.4 Holidays

There are two types of holidays: Regular Holidays and Floating Holidays. The eligibility and usage of each differs according to the guidelines below. When a holiday falls on a Saturday it is observed on the preceding Friday. Holidays falling on Sunday are observed on the following Monday.

Regular Holidays

Regular holidays include New Year's Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Day, and up to 4.5 additional days associated with Christmas and New Year's Day. The regular holiday schedule will be made available to the college community by Human Resources in the fall. The intent of holiday pay is to maintain staff members' regular pay when their schedule is impacted by office closure due to Regular Holidays.

Eligibility: Full-time employees and part-time benefits eligible staff are eligible for Regular Holidays.

Administration: Eligible staff will receive holiday pay for the designated regular holidays that fall on their regularly scheduled days of work. For example, staff members whose regular schedule does not include Friday are not paid for the Friday after Thanksgiving. To do so would effectively pay those staff members more than they would earn in a typical week.

Floating Holidays

Floating holidays include Memorial Day, Independence Day, and Labor Day. Each department will establish the use of floating holidays based on operational needs.

Eligibility: Full- and part-time benefits-eligible staff are eligible for floating holidays.

Administration: In offices that remain open on floating holidays, managers will work with staff to ensure adequate staffing. If a regularly scheduled staff member takes the day off, CTO will be used. Staff members who work will be paid for the day, and the CTO may be used at another time. In offices that close on floating holidays, scheduled staff typically do not work and will take CTO for the day. Managers must approve exceptions in advance.

Holiday Premium Pay

The purpose of holiday premium pay is to provide additional compensation to non-exempt staff members who are required or volunteer to work on designated regular holidays. When non-exempt staff members work on a designated regular holiday, they receive holiday pay at time and one half their regular rate of pay for each hour worked.

Example: A staff member who earns \$10 per hour and works 8 hours on Thanksgiving Day receives \$200 for the day.

8 hours Holiday Pay @ \$10 per hour = \$80

8 hours of time and one half (\$15 per hour) = \$120

4.5 Staff Parental Leave Policy

Benefits-eligible employees with one year of service are eligible for up to three weeks of paid leave for the birth or adoption of a child. Adopted children must be under 18 years of age. In order to receive paid leave, employees must meet eligibility requirements prior to the date of birth or adoption.

Parental leave may be used pre- or post-birth or adoption and will be applied to the 12 weeks of leave allowed under the [Family and Medical Leave policy](#). Paid leave must be taken within one year of the birth or adoption.

In compliance with Equal Employment Opportunity Commission (EEOC) guidelines, "disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are, for all job-related purposes temporary disabilities and should be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment." This principle ensures that pregnant employees will be in no worse and no better position with regard to job related practices and benefits than employees similarly situated suffering from other disabilities. The determination of the length of time an employee will require for leave because of pregnancy and childbirth is a medical decision between the woman and her physician, to be treated in the same way as other sick leave, in compliance with the provisions of Vermont law.

4.6 Family & Medical Leave

[FMLA Procedure](#)

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the Vermont Parental Leave Act, the College grants up to twelve weeks of unpaid leave to an eligible employee during a rolling 12 month period. FMLA leaves of absence can be granted for the following reasons:

- The birth of a child and in order to care for that newborn child, within one year of the birth.
- The placement of a child for adoption or foster care, within one year of the initial placement.
- To care for a spouse, domestic/civil union partner, child, parent, or parent-in-law with a serious health condition.
- To respond to a medical emergency involving the employee's child, stepchild, foster child, or ward who lives with the employee, or the employee's parent, spouse, domestic partner/civil union partner, or parent-in-law.
- The serious health condition of the employee that renders the employee unable to perform the essential functions of his or her position.
- Any "qualifying exigency" arising from a spouse, son, daughter, or parent's active military duty or notice of an impending call to active duty.*

The FMLA also allows up to 26 weeks of unpaid leave during a rolling 12 month period:

- To care for a spouse, son, daughter, parent or nearest blood relative injured while on active military duty.

This policy is designed to offer assistance by providing job-protected leave to eligible employees for certain family and medical reasons. The leave may be unpaid, paid, or a combination of unpaid and paid depending on the circumstances as specified in this policy.

* Though the Department of Labor has not yet issued a definition of "any qualifying exigency," the College will provide this leave according to the spirit of the law.

4.7 Jury Duty

The College encourages employees to accept their civic responsibility if they are called for jury duty. All full- and part-time employees, excluding temporary employees, will be paid for time off for required jury duty. The employee's status at the College will remain the same and all benefits will continue.

When called for jury duty, the employee must notify the supervisor and provide subsequent notification of jury duty related absences. The College will continue to pay the eligible employee for scheduled hours missed due to jury duty. Whenever employees are released from jury duty for partial or full days, they are expected to report for work at the College. An employee's time record must accurately reflect jury duty service.

4.8 Military Reserve

A military leave of absence is granted to employees to attend scheduled drills or training or if called to active duty with the United States armed services.

Middlebury College offers a pay differential to those eligible employees who have been called to active duty in addition to their reserve obligation (one weekend per month and two weeks per year).

To be eligible to receive this benefit, the employee must be a full-time employee who has satisfactorily completed the three-month provisional period with the College; provide the College with advance notice of impending service unless precluded by military necessity; and submit a copy of his or her military leave and earnings statement for the covered period.

4.9 Bereavement

If employees need to take time off because of the death of an immediate family member, they must notify the supervisor immediately. Paid or unpaid time off will be granted to allow employees to make any necessary arrangements and attend the funeral. Full- and part-time benefits-eligible employees may receive up to three days of paid bereavement leave for each death.

Bereavement pay is based on the pay employees would have earned had they worked the day(s) of their leave.

Employees will receive approval of bereavement leave as long as there are no unusual operating requirements. Any employee may, with the supervisor's approval, use available paid leave for additional time off.

Immediate family includes the employee's spouse/ domestic partner/ civil union partner, parent, child, sibling, the employee's child's spouse, parent in-law, brother and sister-in-law, grandparents and grandchildren, and other relatives residing in the employee's household.

4.10 Personal Leave of Absence

Occasionally staff employees may wish to take time off in excess of normal vacation time and/or available CTO, for personal reasons*. In such instances, employees may apply for a Personal Leave of Absence (LOA). Personal LOAs are discretionary and require approval from both the employee's manager and from Human Resources. The minimum duration is one full pay period, and a Personal LOA may not exceed one year in duration. (Managers may, at their discretion, approve shorter absences without undergoing the formal Personal LOA process).

During an approved Personal LOA an employee will be paid no earned time (regular pay). Certain employee benefits may be negotiated with Human Resources during the approval process. These include:

- whether or not the employee will continue to be eligible for employee benefits during the LOA;
- if benefits continue, whether the employee will pay the employee-only portion of the cost or the full cost of the benefit;
- if applicable, how the employee will pay for the benefits during the LOA (i.e. pre-pay, pay-as-you-go, etc.); and
- whether or not the employee will be required to use accrued CTO time during the LOA (this is typical).

In order to request a Personal LOA, employees should contact the Human Resources office to initiate the application process.

Non-exempt and exempt employees on approved Personal LOAs *do not* accrue CTO time on the unpaid portion of the leave. CTO will accrue only on CTO hours used during the leave.

During an approved Personal Leave of Absence, employees have the same job protection afforded active employees.

** Employees needing time off for medical reasons or to care for a family member with a serious medical condition should refer to the Family and Medical Leave Act policy.*

4.11 Weather Emergencies

Extreme weather emergencies may arise throughout the year; however, the College must continue to provide all services regardless of the weather. When the College administration determines that weather conditions pose a significant hazard to the safety of its employees, it may authorize non-essential staff to arrive late, leave early, or remain at home. While the College does not normally close, employees must use good judgment in assessing the impact of the weather on their commutes. Staff members should use [CTO](#) to cover any absences from work due to weather emergencies.

The Emergency Information Line (802.443.2500) will have recorded information announcements in the case of emergency.

[updated 16-Dec-2008; use of CTO sentence added]

4.12 Release Time

Release time may be approved by the president or his designee, in order to allow staff to attend certain campus-wide events. If release time falls during an employee's regularly scheduled hours it is considered regular paid time. If release time falls during a time when an employee is not scheduled to work, he or she may choose to attend the event, but the time is unpaid.

5.1 Direct Deposit

Employees are strongly encouraged to have pay checks directly deposited. Deposits may be made to any U.S. domestic bank by completing and filing the appropriate form with the Payroll Office. An employee may elect to deposit to several bank accounts if so desired; however, partial direct deposit is not permitted. Pay stubs are mailed to the employee's campus address.

When a request is made for direct deposit to a new bank or account, the first check issued after the request will be a real check while the information is pre-noted to the bank. Provided the information is correct, the next paycheck will be a direct deposit.

5.2 Deductions

Certain deductions, required by law or elected by the employee, will be made automatically from the paycheck. These include:

1. **Federal and State Taxes**

The law requires withholding taxes based on an employee's W-4 statement. The amount withheld will vary according to the earnings and number of exemptions claimed.

2. **Social Security & Medicare (FICA) Taxes**

In compliance with the Federal Insurance Contribution Act (FICA), the College makes deductions from an employee's pay that, with an equal contribution by the College, are credited to the employee's social security account.

3. **Voluntary Withholding**

Employees may wish to pay for their insured benefit plans and/or United Way through voluntary withholding. Some insured benefit plans allow employees to withhold funds from their wages before taxes are calculated ("reduction"). Other withholdings may be allowed only after taxes have been calculated ("deduction").

5.3 Advances

The College does not advance pay.

5.4 Reporting Time and Payroll Issues

All employees of the College are paid every other Friday on a biweekly pay period basis. If a payday falls on a holiday, employees will receive paychecks on the last working day of the week. The pay period begins on Monday and ends on the following second Sunday.

The pay calendar schedule can be found in the Banner/Payroll section of the [Human Resources Web site](#).

All time must be submitted by noon on the Tuesday following the close of the pay period in order to be included in the next pay check. If employees feel their check may be inaccurate, first they must verify that their time was submitted accurately and on time. Issues regarding rate of pay, positions or titles, and CTO should be directed to Human Resources. Other paycheck issues such as taxes and direct deposits should be directed to Payroll.

There are a number of mechanisms for reporting time. Employees should check with their supervisors for training on the reporting methods and standards for their department.

Reporting time accurately is critical. It is the responsibility of the employee to report his or her time, and the responsibility of the supervisor to verify the employee's time. Falsification of a time record is a terminable offense, as is the knowing approval of a false time card.

In order to meet the needs of the College community, attendance and promptness are taken into account in performance reviews. If an employee is unable to come to work for any reason, the employee must contact the appropriate supervisor before the start of the workday. If the employee is unable to reach the supervisor, he or she should follow the department's procedure for notification. The College appreciates as much notice as possible. Individual departments, due to coverage needs, may set specific notification times.

6.1 Staff Compensation Program

The two publications below explain the staff compensation program.

The [Staff Compensation Program Overview](#) is an informative description of the program. It addresses program highlights and covers areas useful for staff interested in learning more about their compensation program.

The [Administrative Guidelines](#) provide greater detail on the practices and administrative procedures of the Staff Compensation Program. This will be a useful document for managers and supervisors. Staff are welcome to utilize this document as well for further program details.

As described in the Administrative Guidelines, the College's program relies on the tools below for assigning positions to a Career Band and Level.

- [Career Band Definitions](#)

- [Job Content Framework](#)
- [Job Placement Worksheet](#)

6.2 Job Descriptions

The job description summarizes the purpose of a job, its primary responsibilities, and the minimum qualifications needed to perform the job in terms of education (or equivalent experience), experience, special skills, etc. Submit descriptions electronically in MS Word to Human Resources. Human Resources maintains job descriptions. The Human Resources generalists can assist in updating or creating job descriptions. A Website is available which allows for on-demand viewing of all job descriptions at the following link: http://www.middlebury.edu/administration/hr/job_descriptions/.

6.3 Eligibility for Overtime and FLSA Compliance

Middlebury College conforms to all terms of the Fair Labor Standards Act (also known as the Federal Wage and Hour Law), including the payment of minimum wages and overtime pay. These laws establish the criteria for determining which positions are "non-exempt" (eligible to receive overtime pay), and which are "exempt" (not eligible to receive overtime pay). Human Resources is responsible for ensuring compliance with such laws, including the determination of exempt and non-exempt status. Direct questions concerning exempt and non-exempt status of positions to Human Resources.

Executive, administrative, and professional positions that meet specific federal criteria are exempt positions and will be paid a fixed salary based on a standard number of hours worked per pay period. No overtime is paid for hours worked in excess of a standard 40-hour week.

Positions that do not meet the federal exempt criteria are non-exempt positions that receive overtime pay at a rate of one and one-half times the regular hourly rate for all hours worked in excess of 40 hours in one week. For the purpose of computing overtime compensation, CTO, paid holidays, and paid sick leave reserve are counted as time worked.

Overtime for non-exempt employees: It is the policy of the College to accomplish its work within normal work schedules without unreasonable overtime. Some positions, however, by the nature of their responsibilities and the demands of the academic year, require irregular and heavy work schedules. All employees may be asked to work extra hours as needed. Overtime assignments will be distributed as equitably as practicable to all employees qualified to perform the required work. Employees should not work overtime without prior approval from their supervisor. However, once the work has occurred all overtime will be paid. Failure to receive prior approval will be addressed as a performance issue.

Each biweekly pay period consists of two Monday through Sunday work weeks. Each work week stands alone for the purposes of determining overtime. Averaging over any period beyond the seven day work week is prohibited. The first 40 hours worked, or a combination of worked hours, CTO, SLR, and paid holidays are paid at straight time. Any time worked after the 40th hour is paid as overtime.

Example: Monday, eight hours; Tuesday, eight hours; Thursday, eight hours; Friday, four hours; Saturday, eight hours; Sunday, eight hours for a total of 44 hours. The overtime hours are the last four hours worked on Sunday, not the four hours worked on Friday. Time cards and paper and electronic timesheets must be coded accordingly to ensure proper payment of overtime.

An exception to charging the last hours over 40 as overtime will be made in cases where an employee holds two non-exempt positions, such as a full-time primary job and a secondary on-call position. In that case overtime will be charged to the secondary position for any hours over 40 in a workweek.

Compensatory time: Compensatory time (Comp time) is not permitted. This is the practice of saving or holding extra hours worked to be exchanged for time off or paid at a later time, to avoid payment of overtime. All hours worked must be reported in the period they are worked and will be paid on the standard biweekly pay cycle.

6.4 Shift Differentials

Middlebury College provides an hourly wage supplement, or shift differential, to non-exempt employees who work between the hours of 6 p.m. and 7 a.m. The purpose of shift differentials is to recognize that these hours, while essential to operate the facilities of the College, are generally more challenging for staff members to work.

Shift Identification:

Day Shift Period: Hours between 7 a.m. and 6 p.m.;

Evening Shift Period: Hours between 6 p.m. and 12 a.m.;

Night Shift Period: Hours between 12 a.m. and 7 a.m.

All non-exempt employees are paid an additional \$.60 per hour for each hour worked in the evening shift period and an additional \$1.50 per hour for each hour worked in the night shift period. Shifts are identified in BannerWeb as Shift 1 (day), Shift 2 (evening), and Shift 3 (nights). For example, an employee who works 9 p.m. to 5 a.m. would enter 3 hours in Shift 2 (9 p.m.–12 a.m.) and 5 hours in Shift 3 (12 a.m.–5 a.m.). Shift differentials are paid only for hours worked and are included in the calculation of overtime pay rates. Differentials are not paid for CTO, SLR, bereavement, holiday, and other time off.

Departmental exceptions to this policy must be approved by Human Resources. Shift differential amounts will be reviewed yearly.

6.5 Compensation Issue Resolution Process

If employees disagree with any decisions from Human Resources related to their compensation, they should review the disagreement with their supervisor and department head. The supervisor and department head should be sure that the employee's expectations under the compensation program are reasonable and that the employee understands the program as it relates his or her particular situation. Following the evaluation, if the supervisor determines there needs to be further review, the supervisor or department head and the employee should make an appointment with Human Resources to discuss the position and the decision. Human Resources will reevaluate its original position in light of any new information. The decision resulting from the Human Resources review will be final.

7.0 Evaluating Job Performance

Middlebury College requires annual written performance evaluations for all staff employees. Informal performance evaluations are conducted at six month intervals between the annual written performance evaluations. These meetings allow employees and supervisors to establish performance expectations and goals for the future and to review previously communicated performance expectations and development plans. The process also establishes the link between performance and suggested merit increases.

The College encourages supervisors to provide opportunities throughout the year for less formal verbal performance feedback to employees.

[Performance Evaluation Procedures](#)

8.1 Problem Solving

Middlebury College strives to maintain effective employer-employee and employee-employee relations within the context of the at-will employment relationship. The College seeks to promote open communication between its employees with appropriate involvement of Human Resources, if necessary, to facilitate a resolution of employee concerns. Employees are encouraged to bring concerns directly to the attention of their immediate supervisor or, if uncomfortable in doing so, to their second level manager, Human Resources, Middlebury College Staff Council (MCSC), or an ombudsperson. If the concern remains unresolved, formal College resources such as an ombudsperson, the Human Resources Office, or the MCSC should be engaged. After a minimum of two rounds of problem solving, having involved an ombudsperson or a member of Human Resources, the employee may file a grievance. A list of ombudspersons can be found under [People Who Can Help](#) on the Human Resources Web site.

see: [Grievance Procedure](#)

As an educational institution, Middlebury College is committed to maintaining a campus environment where discrimination or harassment on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, service in the armed forces of the United States, or against individuals with disabilities is unacceptable. The College complies with state and federal laws that address discrimination in the workplace.

see: Harassment/Sexual Harassment Policy

8.2 Progressive Discipline

The College maintains a progressive discipline system to serve as a fair and consistent means to enforce College rules and regulations and to address conduct or performance deficiencies. The purpose of progressive discipline is to retain employees through identification and correction of problems. The College recognizes (a) that failure to correct disciplinary problems may lead to suspension or termination, and (b) that serious infractions may result in immediate termination.

If a situation warrants corrective action, the disciplinary actions applied may include a verbal warning, a written warning, a written reprimand, and/or termination from employment. At any stage in the process, the College may decide to separate the

employee from his or her work environment. Administrative review leave is used to provide all parties time to reflect on the situation. Administered at the College's discretion, the leave may be for as little as one hour or as long as two days, with no loss of pay. Every action need not be taken in each case, and depending upon the relevant circumstances, the College may decide to take any disciplinary action, including immediate termination, at any time. The College reserves the right to terminate the at-will employment of any employee at any time, with or without cause or notice.

8.3 Staff Training & Development Opportunities

The College encourages the development of employee job skills through a variety of on-site programs that are free of charge to members of the College community, as well as individual career coaching. The Human Resources office maintains a file of information about staff development programs and opportunities.

see: [Training Resources](#)

8.4 Staff Development Funds

Continuing Education Fund

The [Continuing Education Fund](#) is available for the benefit of eligible Middlebury College employees who are interested in continuing their personal and/or professional development. Through this fund, Middlebury College provides support to eligible staff who wish to enroll in a degree-granting or certificate-granting program, or who wish to enroll in a credit-bearing course or class from an accredited program or institution.

Staff Development Fund

The [Staff Development Fund](#) is available to help support job-related training that is required for the job or that is directly related to enhancing job skills and professional development. The [application](#) must be submitted in advance of the training. Contact Human Resources for additional information.

9.0 Leaving Middlebury College

Middlebury College values employees' contributions to the successful operation of the College, expecting a productive and mutually satisfactory employment relationship. It is understood, however, that the employment relationship between Middlebury College and its employees is at-will, meaning that either the College or the employee may terminate that relationship with or without notice or cause, at any time.

Human Resources usually schedules exit interviews for employees leaving the College. The exit interview is a time to express suggestions, complaints, and ask questions. It also provides an opportunity to discuss employee benefits, conversion privileges, repayment of outstanding debts to the College, and return of College-owned property.

9.1 Voluntary Termination of Employment: Resignation

Resignation is defined as employment termination initiated by an employee who chooses to leave the College voluntarily. Employees who are considering leaving Middlebury College for any reason are encouraged to discuss their situation with their immediate supervisors before making a final decision.

If the employee voluntarily leaves the College, it is expected that as much notice as possible will be given. At least two working weeks' notice is customary for non-exempt (hourly paid) employees, while administrative and professional staff (salaried) are expected to give at least one month's notice. A letter of resignation addressed to the department head, stating the final date(s) of employment will be forwarded to Human Resources. Before leaving, the employee must visit the Human Resources office to make benefit transition arrangements and to turn in ID cards, keys, and any other College property.

9.2 Discharge

Discharge is defined as employment termination initiated by the College.

If an employee violates a basic College rule or demonstrates gross misconduct, the College reserves the right of immediate discharge without warning. Examples of summary discharge include:

1. Conduct that is in opposition to the College's nondiscrimination statement;
2. Insubordination or refusal to comply with a reasonable request given by the supervisor or College official, or abusive treatment of a supervisor or College official;
3. Theft of College property, personal property, or theft of service;
4. Falsification of records, time cards, claiming sickness or claiming benefits for self or others under false pretenses;
5. Disorderly conduct while on the job;
6. Deliberate, frequent, and/or recurring violations of stated safety regulations, even if they are not intentional;
7. Absence and/or failure to return to work without notice for three days;
8. Use or possession of, or being under the influence of illegal substances or alcohol while at work;
9. Threatening physical harm, or actual physical violence to another member of the College community, on or off campus; or
10. Breach of confidentiality, which is defined as releasing to unauthorized persons, or misuse of confidential information to which an employee is privy because of his or her job.

In all cases of separation, final CTO payout may be withheld until keys, ID cards, and other College property are returned to the supervisor or the Human Resources Office.

9.3 Retirement

The College has no standard retirement age. However employees who have met certain age and service requirements when they do retire from the College may be eligible for certain retiree benefits. In order to be eligible for retiree benefits an employee must:

- a) have been employed by the College for ten consecutive years following the attainment of age 45; or
- b) be a faculty member who has resigned from a tenured position to take a part-time position, regardless of age or years of service.

Retiree benefits may include continued participation in the College's medical and dental insurance programs, a retirement gift from the College, retiree lunch benefits, retiree I.D. card.

A retiree who has met the eligibility requirements for the dependent education programs will remain eligible for these programs.

Contact Human Resources for benefit eligibility details.

Middlebury College appreciates the advantages that phased retirement offers to both the employee and the College. Middlebury College is willing to work with employees on a case-by-case basis to assist them in a successful and fulfilling transition into retirement.

9.4 Reduction in Force

A Reduction in Force (RIF) is defined as the laying off of one or more staff employees. The purpose of the procedure is to ensure appropriate consultation and communication within the College community as well as to clarify procedures to be followed. The procedures go into effect at the time a possible RIF is announced. This procedure does not apply to seasonal employees, employees hired for fixed periods of time, or employees dismissed as an outcome of performance concerns.

see: [Reduction in Force Procedure](#)



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Appendices

Americans with Disabilities Act Policy

Americans with Disabilities Act (ADA) Policy

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I. POSITION STATEMENT

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

While responsibility for the accommodation of students with qualifying disabilities must be assumed and shared by all members of the College community, the College has established a process that is designed to facilitate the reasonable accommodation of students with disabilities. An ADA Committee of faculty and staff, appointed by the president, certifies eligibility for accommodation under the ADA for students presenting documented evidence of qualifying disabilities, and reviews and acts upon all student requests for reasonable accommodations. Further, the ADA Committee, in consultation with appropriate campus personnel, facilitates the implementation of accommodations that have been deemed reasonable and appropriate in light of the nature of a student's disability and in consideration of the individual's academic requirements. The ADA Committee also serves as a resource to students and faculty on issues of accommodation and helps to coordinate the implementation of other approved accommodations within other sectors of the institution.

Faculty, staff, and other College employees who have ADA related concerns are currently assisted by Human Resources.

II. NATURE AND SCOPE OF POLICY

As noted in the Position Statement, Middlebury College recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and is committed to making reasonable accommodations for students and employees with qualifying disabilities as required by these laws. Because the College's Position and Policy are intended to be co-existent with the requirements of applicable laws, nothing in this policy is intended to provide less substantive benefits or procedural protections than are required by these laws. Likewise, nothing in this policy is intended to provide greater substantive benefits or procedural protections than are required by these laws. This also means that the College's ADA Policy and Procedures may have limited or no applicability to the College's study abroad or other programs operated outside the United States. However, practical considerations of style and a desire to present information to the College community in a useful, efficient manner dictate that the precise wording of these laws is not restated verbatim in all provisions of this policy.

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

III. PROCEDURES**A. Certification and Accommodation**

Middlebury College has adopted the following two-stage process for making reasonable accommodations to promote the accessibility of its programs for students with qualifying disabilities:

1. Certification

a. Prior to matriculation, each admitted student receives a Special Needs Identification Form. Each student requesting accommodation must complete this form, which requires, among other things:

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

ii. a description of the specific accommodations requested. (Additional copies of this form are available from the ADA Office.)

b. The form must be accompanied by documentation consisting of report(s) from objective professionals qualified to diagnose the disability at issue, verifying the nature and extent of the disability, and the manner in which the disability limits major life activities relevant to a student's participation in Middlebury's programs (see Documentation, below).

c. The Special Needs Identification Form and documentation should be submitted to the ADA Office immediately in order to facilitate the accommodation process being completed in as timely a manner as reasonably possible.

d. The ADA Committee reviews the request for accommodation, and the accompanying documentation, and pursues one of the following courses of action:

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

2. Accommodation

Once a student has been certified as eligible for accommodation, the ADA Committee:

- a. reviews the student's request for accommodation(s);
- b. works with the student, and other appropriate members of the College community, to formulate a proposed course of action that would constitute a reasonable accommodation of the student's disability, in view of the nature and extent of the disability, the student's compensatory skills, and course or program requirements;

Note: The ADA Committee reserves the right to recommend accommodations that differ from the specific approaches suggested by the student, or by individuals documenting the student's disability, so long as the accommodations proposed by the ADA Committee achieve the objective of program accessibility as required by law.

If accommodations acceptable to the student cannot be developed through cooperative dialogue, the student may appeal the decision of the ADA Committee through the Appeals Process described in Section G of this document.

B. Role of the ADA Committee

The ADA Committee certifies eligibility and coordinates services and accommodations for students with qualifying physical disabilities, learning disabilities, attention deficit disorders, psychological disabilities, medical disabilities, other qualifying disabilities, and covered students in drug or alcohol recovery. Sectors of the College that may be called upon by the ADA Committee to assist with the implementation of accommodations include, but are not limited to:

- Faculty
- Language Schools
- Bread Loaf School of English
- Bread Loaf Writer's Conference
- Office of the Dean of the College
- Commons Deans and Administration
- Counseling and Human Relations Center
- Health Center
- Office of Learning Resources
- Scheduling Office
- Facilities Services
- Media Services
- Academic advisers

The ADA Committee also undertakes to educate members of the College community about their rights and responsibilities under the ADA by formulating and publicizing policies and procedures and by facilitating the organization of activities to increase awareness of disability issues.

C. Role of the ADA Coordinator

The ADA Coordinator works in the Office of Institutional Diversity. The ADA Coordinator provides staff support to the ADA Committee by facilitating communication among its members and by maintaining records of its proceedings and decisions. The ADA Coordinator coordinates and administers ADA-related note-taking, reader, scribe, and interpreter services and ADA equipment services. The ADA Coordinator also serves as a liaison between students, faculty, staff, Facilities Management, the Admissions Office, the Office of Learning Resources, Residential Life, Commons Administration and deans, Counseling and Human Relations, Office of the Dean of the College, College Advancement, Media Services, LIS, the Health Center, and the ADA Committee. The ADA Coordinator is the primary intake person for ADA-related issues and may also be able to provide information on ADA-related issues to members of the campus and local community.

D. Role of the Student

Middlebury College neither imposes accommodations on its students nor pre-empts their responsibilities, as legal and social adults, to identify their special needs and to ensure that these needs are being met.

It is the student's responsibility to initiate the certification process described above by:

1. completing the Special Needs Identification Form in a timely manner;
2. ensuring that the ADA Office has received appropriately current, adequate and comprehensive medical and/or psychological documentation of a disability and the manner in which it limits a major function relevant to the student's participation in Middlebury's programs.

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

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

Providing proper accommodations requires timely student input. Immediate accommodations may be impossible to facilitate.

E. Role of the Faculty

The ADA essentially requires that:

- all otherwise qualified students are provided with equal access to the essential course content, and
- the impact of the disability on the student's learning and/or academic performance is mitigated without compromising course or program integrity.

Accommodations may involve modifications of the ways in which material is presented or learning is evaluated; however, accommodations which compromise the essential integrity of a course shall not be required of faculty of Middlebury College.

Faculty are encouraged to communicate with the ADA Coordinator concerning any accommodation request. The ADA Coordinator shall communicate with faculty within the limitations of privacy laws. The fact, nature, and/or extent of a disability which has been certified by the ADA Committee is not subject to challenge by faculty, nor may faculty review the underlying documentation of a disability without written consent of the student. The staff of the ADA Committee may provide faculty with information about the disability where necessary to implement the recommended accommodations.

Faculty also have the right to receive a status report of a student accommodation request and clarification of recommended accommodations. Also, they may suggest alternative accommodations they think more appropriate in light of the nature of the course or program. Alternative accommodations must be as appropriate and as effective in mitigating the effects of a disability as those initially recommended by the ADA Committee. Faculty are, in turn, encouraged in appropriate situations to share with the ADA Committee information about the course and/or program, so that the ADA Committee is better able to make appropriate accommodation recommendations. A cooperative effort should meet the needs of the student to the extent appropriate, maintaining the integrity of the academic course and/or program, and keeping Middlebury College in compliance with the law. Faculty may also request the involvement of the dean of the faculty (or his or her designate) in discussions with the ADA Committee.

Accommodations normally should be implemented as soon as reasonably possible after the faculty member has received the accommodation recommendation in writing from the ADA Office. If no further consultation occurs between a faculty member and the ADA Coordinator, the ADA Committee assumes that accommodations will be provided as delineated. Undue delays in the implementation of accommodations may be construed as a form of discrimination.

F. Documentation

The College requires appropriately current documentation of any or all disabilities for which accommodation is requested, provided at the expense of the student requesting accommodation, prior to determining what services and accommodations may be undertaken for students with qualifying disabilities. Documentation of disability furnished by the student and/or developed by the ADA Committee will be kept confidential and will be shared only with College personnel involved with the coordination and facilitation of services and accommodations (including faculty to the extent noted in Section III. E.), except as is otherwise required by law or a health or safety issue. Since insufficient information may jeopardize the accommodations process, the College reserves the right to request additional documentation considered necessary to the formulation of a

reasonable and appropriate accommodation plan. The cost of obtaining any such additional documentation shall be borne by the student. The College also reserves the right to request an independent evaluation by a professional of its choosing. The cost of obtaining any such independent evaluation shall be borne by the College. Students should note that documentation supplied voluntarily as part of the process of applying to Middlebury College is not part of the student's permanent record and is not ordinarily made available to the ADA Committee.

Generally, documentation verifying the disability must:

1. be prepared by an objective professional qualified in the diagnoses of such conditions;
2. include information regarding the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of these results as they pertain to an educational environment and/or participation in the College's programs;
3. reflect the individual's present level of functioning in the areas related to the particular accommodations being sought;
4. be appropriately recent, e.g., prepared within the last several years before the first request for accommodation.

The ADA Committee ultimately determines whether the documentation submitted is adequate to support a requested accommodation and whether the individual preparing the documentation is qualified to make the diagnosis at issue.

Where a student seeks accommodation for a learning disability, the student must provide professional testing and evaluation results which reflect the student's present level of processing information and present achievement level.

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

Documentation verifying the learning disability must:

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

The ADA Committee ultimately determines whether the documentation submitted is adequate to support a requested accommodation and whether the individual preparing the documentation is qualified to diagnose the learning disability at issue.

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

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

G. Appeals Process

A student may appeal any written decision of the ADA Committee. Appeals may be based upon newly discovered evidence; a challenge to an ADA Committee decision not to certify a disability; a challenge to an ADA Committee decision not to provide a particular accommodation; and issues regarding documentation of disabilities.

The President of Middlebury College shall appoint an ADA Appellate Officer to consider all appeals from ADA Committee decisions. No member of the ADA Committee shall be eligible for such appointment. The Appellate Officer shall be recused where a conflict of interest exists or when the Appellate Officer otherwise has reason not to review a particular case. The president shall appoint a substitute Appellate Officer in such cases.

All appeals shall be submitted in writing to the ADA Coordinator within five days after the student (hereafter appellant) receives written notification of the challenged ADA Committee decision. The ADA Coordinator will forward the written appeal and relevant appellant records to the Appellate Officer, usually within three working days after receipt of any appeal. The ADA Coordinator shall provide any available additional documents or information that is requested by the Appellate Officer in writing, after notification to the appellant. Appellants are encouraged to submit a complete statement outlining the reasons supporting reconsideration of the challenged decision.

In reaching a decision, the Appellate Officer may, at his/her discretion, rely solely on the written record and any statement by the appellant. As noted above, after written notification to the appellant and the ADA Coordinator, the Appellate Officer may request additional information. Hearings and oral presentations shall be conducted only at the discretion of the Appellate Officer, and the nature of any such proceedings shall be determined at the discretion of the Appellate Officer. The Appellate Officer completes hearings and presentations, usually within five working days of receiving all appeal materials from the ADA Coordinator; however, this period may be longer due to circumstances such as unavailability of the Appellate Officer, unavailability of the student, or unavailability of witnesses deemed necessary by the Appellate Officer.

All appeals shall be decided as soon as possible, but generally in a time period not to exceed three days from the Appellant Officer's receipt of all information from the ADA Coordinator and the appellant, and the completion of any hearing testimony or oral presentations. The ADA Committee may, at its discretion, provide temporary relief upon request, pending an appeal. Temporary relief pending an appeal shall not be available from the Appellate Officer. The Appellate Officer shall notify the appellant, the ADA Coordinator, and the ADA Committee in writing of all decisions.

The Appellate Officer may: (1) remand the decision to the ADA Committee for reevaluation with or without recommendations (the ADA Committee will usually, absent extenuating circumstances, complete its reevaluation within five days), (2) grant the requested relief of the appellant, including ADA certification and/or accommodations or (3) uphold the ADA Committee's original decision.

The time periods stated herein for action on the part of the ADA Committee, coordinator, and Appellate Officer are advisory rather than mandatory, and any extensions thereof will be construed to invalidate an appellate or committee decision only where substantial prejudice is demonstrated by the student.

The ADA Committee shall be responsible for implementing all appeals decisions. Decisions of the Appellate Officer are final.

H. Complaints regarding Disability-related Harassment or Discrimination

In addition to the above-stated appeals process regarding accommodations decision, students who feel that they have been harassed or discriminated against on the basis of their disability, in violation of Section 504 of the Rehabilitation Act of 1973, the ADA, or other applicable law, may file a formal or informal complaint under the College's Harassment Policy and Procedure, as set forth in the College Handbook.

I. Student Records

Records pertaining to a student are disposed of five years after the student's graduation or five years from the student's last contact with the ADA Office after leaving the College. Students may stipulate that information may not be discussed with their parents without the student's written release.

IV. SERVICES

Academic Accommodations

The following are examples of accommodations which, in appropriate cases, would preserve essential academic program requirements while minimizing the effect of a certified disability upon a student's performance. These examples are not intended to be exhaustive, or appropriate in all cases; each student's needs are assessed on a case-by-case basis.

A. Classroom Access for Students with Disabilities

Middlebury College is responsible for ensuring that programs and activities are accessible to qualifying students with disabilities. Accommodations may include, for example, relocation of classes.

The College may be responsible for relocation of classes when the inaccessibility of the classroom prohibits class attendance for the disabled student. Examples of problems with access include:

- classes located in buildings without ramps or elevators;
- classes held in locations temporarily inaccessible due to construction;
- classes held in locations too distant for the student to reach in the time available;
- classes located in places where there are safety concerns, such as those resulting from isolation, darkness, etc.;
- classes held in locations with inadequate acoustics or lighting, or where other aspects of the physical environment would deny substantial access to students with qualifying disability.

When class locations are found to be problematic, the ADA Office will work with the class scheduling officer and the faculty involved in facilitating reasonable accommodations which may include rescheduling the class in another location. However, relocation or rescheduling would not be a required reasonable accommodation if such changes would fundamentally alter the nature of a class or program.

B. Learning Resources

The Office of Learning Resources:

- promotes mutual understanding between students and their instructors concerning a disability's possible impact on performance,
- serves as a resource to the student and the faculty member in developing teaching and learning strategies that facilitate the student's access to the course material.
- provides student skills education for all students without discrimination on the basis of disability.

The Office of the Dean of the College and the Office of Learning Resources will also collaborate with students and their faculty advisers to tailor the academic program, including courses and load selected, appropriately in light of a student's disability, and in light of the essential requirements of the academic program.

C. Assisted Registration Services

The ADA Office will work with the Registrar's Office to assist with registration when a student's disability necessitates such services (e.g., to ensure physical access, appropriate course load, interpreter services, etc.). To receive assisted registration, students must first arrange to meet with staff from the Office of Learning Resources in a timely manner to review the courses the student wishes to enroll in. Assisted registration will not allow students to enroll in courses which they might not otherwise be eligible to enroll in.

D. Auxiliary Services / Aids

1. Interpreter Services

Interpreter services, such as American Sign Language, Signed English, or Oral Interpreting services of professional, certified sign language interpreters will be provided on the basis described below for all course related activities (e.g., class sessions, meetings with faculty, or required attendance at out-of-class activities), when the provision of such services is determined by the ADA Committee to be a reasonable accommodation. Documentation of the need for such services must be provided to the ADA Committee, and requests for interpreters must be made at least one month before classes begin, due to the limited availability of interpreters. Unavailability of professional interpreters could prevent or complicate the provision of interpreter services.

Interpreter services may also be provided for campus-wide/College-sponsored events when feasible, and if such services are requested in a timely fashion. A written justification for the request must be submitted to the ADA Coordinator.

Students who are eligible for funding for interpreter services from the vocational rehabilitation agency in their home state are encouraged to seek such funding for class interpretation. If such funding is unavailable, if the student does not wish to seek it, or if the full costs of funding are not available through the state, Middlebury College will assume the differential expense or expense of interpreter services for the course-related activities of matriculated students. Interpreter costs for campus events are the responsibility of the sponsoring department or group and should be budgeted in event planning.

Qualifying students will ordinarily be provided with one interpreter for classes less than two hours in duration. For classes two hours or more in duration, two interpreters will ordinarily be provided. Interpreters working alone in classes over one hour in duration must be provided by faculty with at least a ten minute mid-session break. Faculty may need to take such break time into consideration in course planning. When possible students and instructors should plan meeting times and discussion group sessions immediately before or after classes when interpreters are available. The ADA Coordinator will provide faculty with information about the interpreting process before each semester.

2. Note Taker / Scribe Services

Note-takers from among the other students enrolled in a course will be sought to assist students with motor, hearing, emotional, processing, or other disabilities, when the provision of such service is determined by the ADA Committee to be a

reasonable accommodation. The arrangements will be made by the course instructor, and the ADA Coordinator, and note-takers will be introduced confidentially to the student for whom the service is provided. The College will provide the note-taker with compensation in consideration of the services rendered. The ADA Office will also arrange for the provision of scribes for course examinations, when such services are requested in a timely manner, and when such services have been determined by the ADA Committee to be a reasonable accommodation.

Where a particular accommodation results in a verbatim transcription of a classroom lecture or presentation, students should recognize that such lectures or presentations are the intellectual property of the individual professor, Middlebury College, and/or both, and that the copying, publication or distribution of transcripts to anyone, without prior written approval of the College and the professor, is prohibited.

3. Reader Services

Reader services will be provided for students with reading, visual, visual processing, or other disabilities, when deemed a reasonable accommodation. Textbooks on tape, when available, will be supplied from national tape lending libraries or will be recorded by paid student recorders. When appropriate, students will be provided with readers for exams, when requested in a timely manner. These arrangements will be made by the course instructor and the ADA Office and will be paid for by the ADA Office.

4. Tutoring Service

Middlebury College does not provide individual tutorial assistance tailored to the special needs of students with learning disabilities or other disabilities. The College does provide peer tutors through the Office of Learning Resources for the benefit of all students, without discrimination on the basis of disability. Auxiliary services such as interpreters, etc., will be provided in connection with a student's use of peer tutoring if deemed by the ADA Committee to be a reasonable accommodation.

5. Equipment

The College will provide reasonable modifications of equipment utilized by students for class and study activities. Auxiliary equipment needed by students for classroom use will be made available upon request to the ADA Committee when such aids are determined to be a reasonable accommodation. Personal equipment such as tape recorders, hearing aids, etc., are the responsibility of the student.

E. Instructional Adaptations

In establishing appropriate and effective accommodations, the ADA Committee will work with faculty to ensure that modifications do not compromise academic standards or affect essential program requirements. Faculty may be asked to make modifications in their course materials, lecture or lab presentation, and examination format or location if such modification would not compromise academic standards or affect essential program requirements.

F. Course Load

Students with certified disabilities may, upon recommendation of the ADA Committee, seek approval from the Administration Committee to enroll in an academic program consisting of fewer than 3 courses per semester. Eligible students will be considered to have full-time status and will be eligible for all benefits available to other full-time students at the College.

G. Course Withdrawal

Upon recommendation from the ADA Committee, students with disabilities may request course withdrawals after the deadline when extenuating circumstances involving a student's disability necessitate a withdrawal. Poor grades alone are not a reason to request a course withdrawal. Requests for course withdrawals will be considered by the Administration Committee under procedures parallel to those for medical withdrawals.

H. Time Extensions

1. Exams

Extended time on exams at Middlebury College shall not exceed double time. Double time is defined as no more than twice the amount of time allocated for the original exam.

2. Assignments

The ADA Office and/or ADA Committee will support requests for extensions for assignments on a case-by-case basis. The ADA Office and/or ADA Committee will only support requests made by students with ADA Committee certified disabilities for whom the ADA Committee determined that extended time for assignments a necessary and appropriate accommodation. All requests for support shall be made well in advance of the due date of the at issue assignment. Students are advised that the ADA is

unable to waive penalties given by faculty for late assignments.

3. Completion of Course Requirements

Upon the recommendation of the ADA Committee, the Office of the Dean of the College may authorize time extensions for completing course requirements when progress is adversely affected by a disability. Faculty, Departments, and Academic Affairs/Studies Committees must take the recommendation into consideration.

1. Provisional Services

At the discretion of the ADA Committee and/or the ADA Office, a student may be denied or granted provisional services pending submission of documentation and official certification. Such services will not be provided for more than one semester. The nature of provisional services will be determined at the discretion of the ADA Committee or the ADA Office. Provisional services do not grant a student the status or rights of a student with a qualifying or certified disability, and it must be understood by students that a short-term grant of provisional services does not guarantee the continuation of such services or affect the ADA Committee's decision as to whether requested or provisional services are reasonable accommodations. The ADA Committee's ultimate decision is reached only after a review of required documentation and after the other steps described in these procedures.

Residential Life Accommodations

The ADA Committee works in collaboration with residential life to arrange for reasonable accommodations for students with special needs living in the residence halls. Residence hall advisers and live-in professional staff are notified in advance of students who are physically disabled and for whom residential accommodations have been approved. Middlebury College encourages regular communication between students with physical disabilities and residential life staff. It is the responsibility of the student to consult with College staff if there is a need to revise or modify the measures taken to accommodate the student's needs. Students with learning disabilities who require quiet floor housing may request such accommodations through the ADA Office. Assignments are made on the basis of availability of space and the level of need. In order to maximize the College's ability to grant such requests, notification is requested by February 1st. Requests made after this date may be more difficult to fulfill.

Students requesting a single room as an accommodation are advised that such requests will be determined on an individual case by case basis. Requests should be submitted in a timely manner prior to room draw and be supported by documentation which recommends a single room and explains why a single room is needed as an accommodation given the specific nature of the student's disability. The ADA Coordinator will work in conjunction with the Residential Systems Coordinator to determine room assignments for eligible students. Assignments are made on the basis of availability of space and the level of need. In order to maximize the College's ability to grant such requests, notification is requested by February 1st. Requests made after this date may be more difficult to fulfill. The ADA Committee reserves the right to suggest alternative accommodations where appropriate to satisfy the request.

Students requesting an air conditioner as an accommodation are advised that such requests should be made in accordance with the guidelines established in the Thermal Comfort Report of Middlebury College. The Thermal Comfort Report is located on the web at <http://www.middlebury.edu/administrationsecretary/thermalcomfort/>.

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

Diagnostic Evaluation Services

The Center for Counseling and Human Relations at Middlebury College provides some evaluation of learning disabilities and psychological conditions. Arranging for assessment of learning disabilities is the responsibility of the student and is available through the college counseling center as time permits. Such testing requires an extensive time commitment and may not be available when the counseling centers responsibility to provide treatment for students takes precedent. In most cases, the services of testing, written reports, and consultations will be provided without cost to the student or other persons designated by the student if such testing is completed at the Center for Counseling and Human Relations.

If a student wishes to be evaluated for possible learning disabilities through the College, it is advisable that the student allow sufficient time for the completion of this extended process. The College evaluator will meet with the student in an initial, approximately one hour, screening session to determine if testing is appropriate, and, if so, which tests or tester, would best meet the student's needs. If, after the initial screening, testing appears warranted, the testing and diagnosis process usually entails a minimum of two two-hour testing sessions. A student and his/her parent(s) may also be asked to respond to questionnaires, when appropriate. A follow-up session is then scheduled to discuss the test results and recommendations with the student. During the follow-up interview, the student will be advised of matters such as the student's test scores, learning profile, and the range of the student's academic skills. Recommendations are made and may include referral to on-campus resources such as the ADA Office, Office of Learning Resources, the Writing Lab, tutorial services, the student's Commons dean, or Career Services. In addition, specific suggestions are made to enhance the student's learning potential. These may include study skill or time management instruction, use of tape recorders, or requesting specific accommodations, such as extended time on tests. Assessment results and recommendations will be reported only to the student and it is the student's prerogative

and responsibility to decide whether the information will be shared with the ADA Committee, the deans, faculty, staff, or other persons.

Assessments for psychological conditions and for Attention Deficit/Hyperactivity Disorder are provided by the Center for Counseling and Human Relations in conjunction with the psychiatry staff at the Counseling Services of Addison County or other local, licensed practitioners. The Counseling Center provides short-term counseling for these conditions and makes referrals for long-term therapy (more than a semester) to private mental health professionals within the community. The cost of treatment outside the Counseling Center is the responsibility of the student.

Parton Health Center Services

Students with disabilities are encouraged to make their needs known to a member of the Parton Health Center staff. A variety of services can be tailored to individual needs. Services include evaluation and treatment of physical complaints and referral, as necessary, to specialists in the community.

The Health Center staff is available 24 hours a day during the academic year to respond to medical, emotional, and psychological crises. We encourage students who are under stress to access our services at any time. The Health Center staff, with the student's consent, is able to consult with caregivers from home for students with ongoing health needs. Crisis counseling services can also be accessed through the Health Center.

Care at the Health Center and records that students choose to share with Health Center staff are treated confidentially. No information is shared without students' consent unless there is an imminent danger to life or property. Because of the College's concern for the privacy of students' medical information, students should not assume that details regarding their medical conditions have been shared among all sectors of the College community. Therefore, students who feel that their medical conditions should be known to various departments or care providers at the College must take responsibility for assuring that any pertinent information is provided directly to each such department or care provider. It is the responsibility of the student to share information about their health care as they wish with family members and others in the College community.

V. ASSISTANCE FOR STUDENTS WITH TEMPORARY IMPAIRMENTS

While not required by the ADA or this policy, the ADA Office may be able to arrange limited assistance for temporarily impaired students at the discretion of the ADA Office and other College offices or programs. It must be understood that the ADA Offices voluntarily providing or arranging such help does not mean the temporarily injured or impaired students qualify as individuals with a disability under the ADA or this policy. If you have questions about what assistance the College may be able to provide in the event of a temporary impairment, contact the ADA Office.

Appendix A: Admissions for Students with Disabilities

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

Admitted matriculating students with disabilities who wish to request accommodations should fill out the Special Needs Identification Form provided with their letter from the Office of the Dean of the College, and return the form to the ADA Office as soon as possible.

Appendix B: Special Needs Identification Form

Middlebury College recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) which are designed to eliminate discrimination against qualified individuals with disabilities. Middlebury College is committed to making reasonable accommodations for qualified students with disabilities as required by law. We would like to take this opportunity to welcome you to the Middlebury College community and to ask that you inform us of any disabilities for which you seek accommodation.

The College will endeavor to make reasonable accommodations as required by applicable laws. The process and services ordinarily available at the College are described in more detail in the College's ADA Policy, which is available from the ADA Office or on the web at <http://www.middlebury.edu/campuslife/diversity/ada/policy>. Qualifying disabilities can include: visual impairments, hearing or mobility impairments, psychological and medical conditions, and learning disabilities which substantially limit one or more of a person's major life activities and may necessitate modifications to the facilities, programs, or services of the College.

The information that you provide regarding any special needs will be shared only with those individuals involved in the coordination and facilitation of services and accommodations required to make our programs accessible to you. The College reserves the right to request current documentation of physical and/or mental disabilities prior to the determination and facilitation of appropriate accommodations; documentation requirements are discussed in more detail in the ADA Policy.

Name: _____

Address: _____

Phone: _____

Please describe your disability in terms of the limitations it might place on your ability to participate in Middlebury College programs.

Please list the accommodations you wish to request in order to participate in Middlebury College programs. Be as specific as possible.

Note: Your request for accommodation MUST be supported by current and adequate documentation.

The College's documentation requirements are discussed in more detail in the College's ADA Policy, which is available from the ADA Office. Generally, such documentation must: (1) be prepared by an objective professional qualified in the diagnosis of such conditions; (2) include information regarding the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of these results as they pertain to an educational environment and/or participation in the College's programs; (3) reflect your present level of functioning in the area related to the particular accommodations being sought; (4) be appropriately recent, e.g., prepared within the last several years before the first request for accommodation.

Please note that if you are seeking accommodation for a specific learning disability, there are additional documentation requirements described in the ADA Policy, which is available from the ADA Office.

Attach additional pages as needed. Return this form to the ADA Office, Meeker House, Middlebury College, Middlebury, VT 05753. Please call for additional information: 802-443-5936 (voice) or 802-443-7437 (TTY) or e-mail at ada@middlebury.edu.

Questions regarding this form and generally regarding the College's ADA Policy should be directed to the ADA coordinator at this address.

Institutional Animal Care

Middlebury College is committed to providing humane treatment and care for all of its animals, and to meeting fully the requirements of the Animal Welfare Act, the regulations and policies of the U.S. Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS), and the regulations and policies of the National Institutes of Health Office of Laboratory Animal Welfare (OLAW). The College has appointed an institutional official to ensure that these commitments are carried out.

The body with primary responsibility for establishing animal care policies and overseeing work with live vertebrate animals at Middlebury College is the Institutional Animal Care and Use Committee (IACUC). The IACUC is a standing committee with the authority to review, approve, reject, or terminate any and all procedures and studies involving use of live vertebrate animals.

The IACUC is appointed annually by the president of the College. Faculty Council will make recommendations through the Office of the Dean of the Faculty regarding faculty membership on the IACUC. The institutional official, in consultation with the Chair of the IACUC, will likewise make recommendations regarding staff and non-College membership. The term of appointment for all voting members of the IACUC shall begin on September 1, or as otherwise specified in the letter of appointment, and shall expire the following August 31.

Recruitment Policy for Employers

Policy for On-Campus Recruiting

The College's protocol with regard to all employers who wish to recruit on campus is to ask that they sign a nondiscrimination agreement certifying that the opportunities they offer are available to all qualified Middlebury students, in keeping with our policy prohibiting discrimination 'in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, service in the armed forces of the United States, or against qualified individuals with disabilities on the basis of disability.' If an employer other than a recruiter for a branch of the U.S. military is unable to sign this agreement, we allow them to recruit only on the condition that they hold an open meeting, advertised to the entire campus community, at which they must provide information on their organization's recruitment practices and explain their specific policies. If a recruiter for a branch of the U.S. military is unable to sign the nondiscrimination agreement, the College requests that an open meeting be held as specified. The 2006 unanimous ruling by the U.S. Supreme Court in *Rumsfeld v. FAIR* allows military recruiters on campus if colleges want to continue receiving federal money. At Middlebury the decision means that the College must permit recruiting by a branch of the military even if the recruiter refuses to provide an open informational meeting.

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Contact Information

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